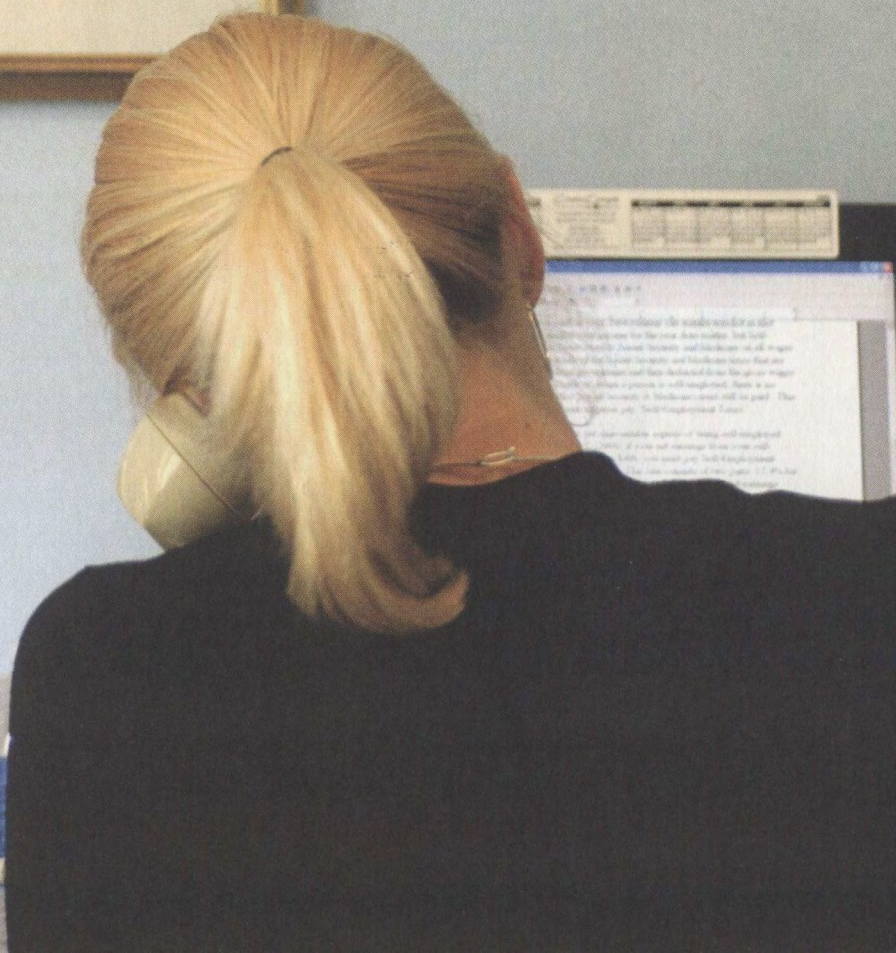
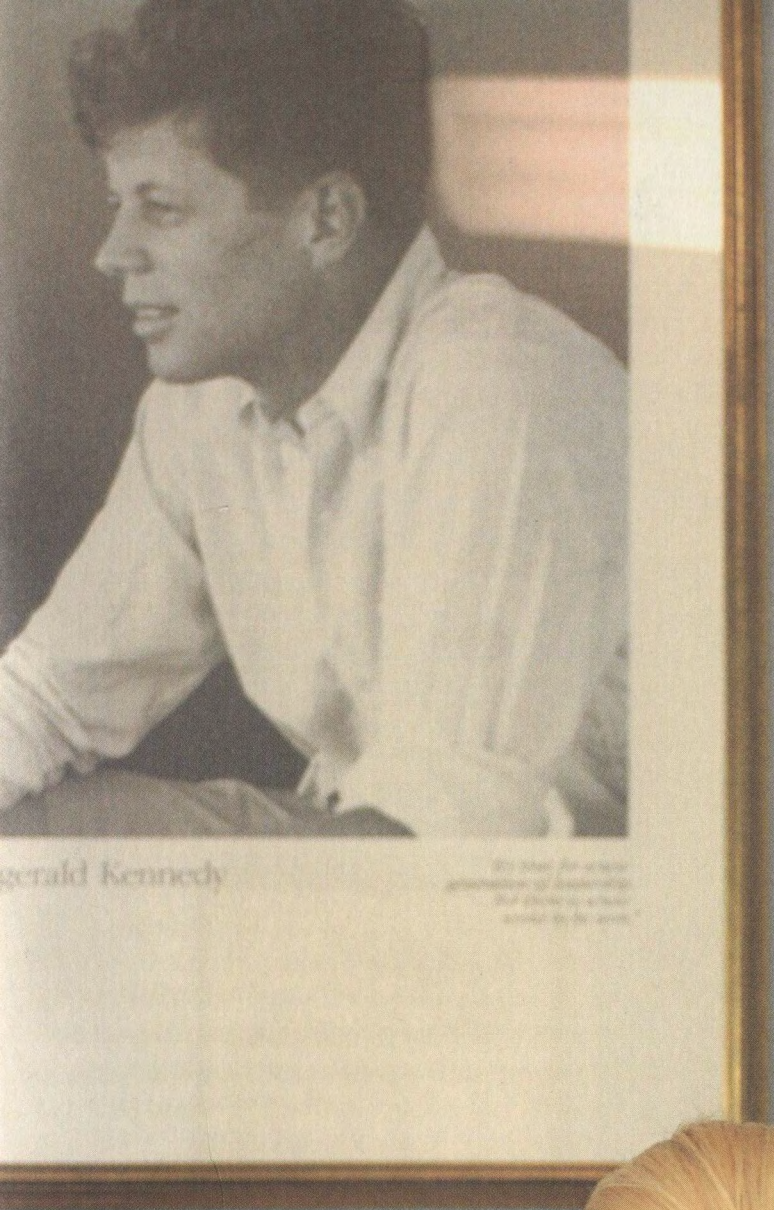


## The Best Representation Money Can't Buy: inside the Legal Clinic

The Path to Partnership

Legends and Lore:  
our first female graduate





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A UK Legal Clinic student consults with a client from the Clinic offices on Maxwellton Court. Photo by Lee P. Thomas.

## about this issue

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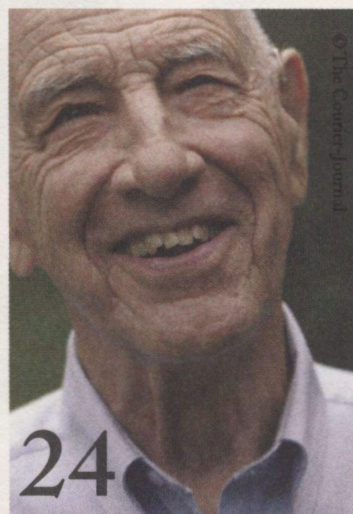
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## from the dean



As we approach 2008 and the centennial celebration of the College, we begin to highlight the accomplishments of our past 100 years of leadership. From Lena Madessin Phillips, who in 1917 became our first female graduate merely seven years after we graduated our first class of students; to Judge Ed Johnstone who invested years of his life overcoming injustices here at home; to A. J. Schaeffer whose experience at the UK College of Law Legal Clinic lives on today in his life, our graduates have made a powerful impact in their local communities, the Commonwealth, their nation and around the world.

The College's alumni community is truly to be envied. An example of leadership being passed down can be seen in our new feature for alumni who have graduated in the past five years where Bill Dorris (UK Law '79), managing partner for Kilpatrick Stockton, mentors young alumni on the path to partnership. I recently asked Chuck Cassis (UK Law '90) to become president of the UK College of Law

Alumni Association, building upon the many years of fine service from John McGarvey (UK Law '73). Chuck is already setting in motion a plan to enhance the College alumni network's ability to better serve you.

You are already aware that the College has embarked on an \$18 million Centennial Campaign to enhance our scholarship and professorship endowments, and to provide a new law school building that will allow us to meet the challenges of our next 100 years. I am pleased to announce that we are already over a third of the way toward realization of our \$18 million goal. A number of early generous gifts have allowed us to hire the New York-based architectural firm Robert A. M. Stern Architects, and for the past many months a faculty committee, headed by Professor Chris Frost and me, has been working closely with them on the design of the law school's new home. This winter I look forward to sharing more specific details of these plans with you.

With so many once-in-a-lifetime opportunities, this is an exciting time to be part of the UK College of Law.

Warmest wishes,

A handwritten signature in dark ink, reading "Allan W. Vestal".

Allan W. Vestal  
Dean, UK College of Law



## Professor Bratt Named Executive Associate Dean

After 32 years with the UK College of Law, Professor Carolyn S. Bratt will close her career in legal education by serving as Executive Associate Dean during the 2007 – 2008 academic year. As Executive Associate Dean, Professor Bratt will handle the day-to-day duties of Dean Vestal as he focuses on the development of the new law school building.



## Professor Roberta Harding Receives President's Award for Diversity

This spring, Willbert D. Ham Professor of Law Roberta M. Harding received a 2007 President's Award for Diversity. University of Kentucky President Lee T. Todd, Jr. presented the fifth annual President's Awards for Diversity in honor and appreciation of those who have demonstrated outstanding efforts toward advancing UK's mission to embrace diversity while maintaining academic excellence.

Over her 15-year career on the faculty of the College of Law, Professor Harding has displayed a firm commitment to the recruitment and retention of individuals of underrepresented populations, and has cultivated and promoted diversity to establish and foster a more inclusive and equitable learning environment at the College. She was the first African-American woman to be hired and fully promoted by the law school and one of the first women of color at any law school in the United States to hold an endowed, named professorship.

As the only African-American faculty member at that time, she reached out to students of diverse backgrounds to ensure that their experience here would not be affected by the low African-American enrollment at the time. She was the faculty adviser of the Black Law Students Association (BLSA), helped produce the first directory of minority law school graduates, and organized a mixer for African-American law, medical and dental students.

Harding created the Student Public Interest Law Foundation, which seeks to obtain employment of students in public interest positions that tend to serve under-represented populations and to help maintain student focus on jobs that are socially responsible and not just financially rewarding. She has been instrumental in the recruitment of three African-American faculty members, and mentors and helps to retain minority students.

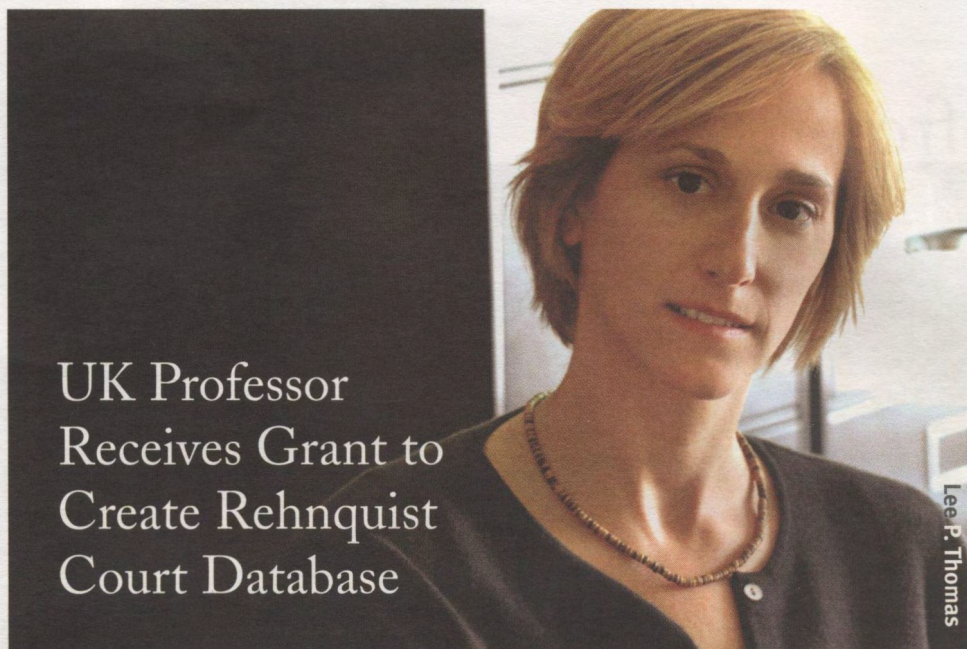
Recipients of the President's Awards for Diversity were selected by members of the President's Commission on Diversity Awards Committee. Award recipients received \$500 and a plaque in recognition and appreciation of their achievements. §

## UK Professor Receives Grant to Create Rehnquist Court Database

Since the 1800s, nominees to the U.S. Supreme Court have been required to submit to nomination hearings. While publicly available, few of the transcripts of these hearings are available online, and none of them in a keyword-searchable format. Professor Lori Ringhand is beginning to change that.

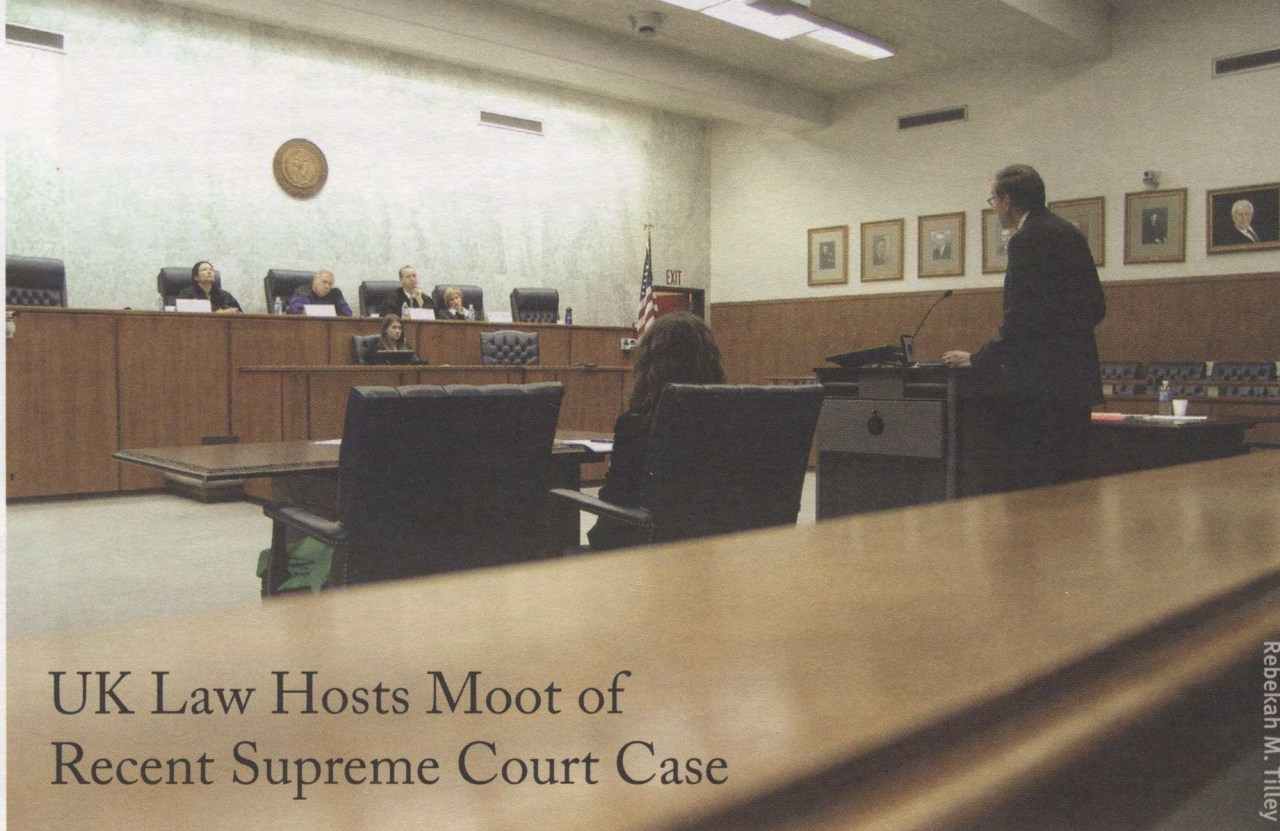
As part of a project funded by a \$20,000 grant, Ringhand is developing a database of information presented during the hearings of justices who served on the Rehnquist Court. The database will contain searchable records regarding the questions asked by the Senate Judiciary Committee, as well as answers given by nominees. Currently there are limitations for scholars researching the confirmation hearings. "Someone wanting to know how many times each nominee was asked about *Roe v. Wade* would have to go through the entire transcript of each nominee and count the times the case was mentioned," Ringhand said. With a searchable database, interested scholars will be able to analyze, among other topics, changes in the focus of questions asked by U.S. Senate committee members over the years, how partisan affiliation is reflected in the responses of the nominees, and how a nominee's answers compare to his or her rulings once confirmed.

Professor Ringhand has outlined some of her preliminary findings in her article, "'I'm sorry, I can't answer that': Positive Scholarship and the Supreme Supreme Court Confirmation Process," which is forthcoming in the *University of Pennsylvania Journal of Constitutional Law*, and was presented at The Journal's annual symposium in February. §



Lee P. Thomas



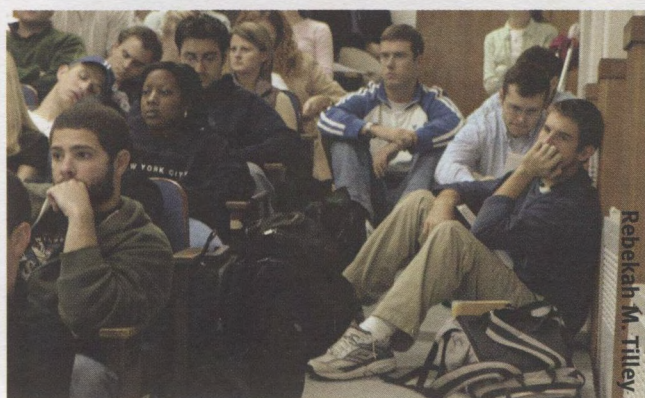


Rebekah M. Tilley

## UK Law Hosts Moot of Recent Supreme Court Case

Ask any UK Law student and they will tell you the details of any number of famous U.S. Supreme Court cases. But last fall, those students who attended the College of Law's hosting of a moot court of *Meredith v. Jefferson County Board of Education*, a case that challenged Jefferson County, Ky.'s current desegregation policy, got a first-hand look at the preparation that goes into arguing a Supreme Court case.

Frank Mellen, of Wyatt, Tarrant & Combs' Louisville, Ky. office, argued for the defense before Supreme Court "justices" UK Law Professors Roberta Harding, David Moore, Lori Ringhand and Robert Schwemm. Lisa DeJaco, another partner with the firm, played the attorney for the plaintiff,



Rebekah M. Tilley

Crystal Meredith, whose kindergartener son was denied transfer in 2002 to a school closer to home. Jefferson County schools operate under a mandated integration system which aims to keep the percentage of African-American students between 15-50 percent at each school. Meredith claims that her son was denied transfer because he is white. In 2004 Judge John G. Heyburn ruled that this desegregation plan was constitutional, and in 2005, the Sixth Circuit Court of Appeals upheld his decision.

In preparation for the case, Mellen participated in a number of moots, including one at Harvard Law School. Faculty and students were invited to witness, and the professors acting as justices were encouraged to ask questions to elucidate the details of the case for the benefit of those in the audience who were unfamiliar.

Professor Schwemm predicted that the outcome of this case, which was heard by the Supreme Court on December 4, 2006, will have a "major national impact." "Although the Supreme Court's rulings will only directly affect Jefferson County," Schwemm said, "I believe many other school boards in the country will have to adjust their race-based student-assignment policies based on how the Supreme Court decides."

The moot court was organized by the College's Moot Court Board. The U.S. Supreme Court announced a decision on this case as we were going to press. §

### by the numbers:

# 491

Tax returns prepared by 15 student volunteers at the UK Law Volunteer Income Tax Assistance project between March 3 and April 17, 2007.

# 47%

Increase in the number of returns prepared compared to 2006.

# \$74,580

Amount pledged by College of Law alumni in the 2006 phone-a-thon.

# 80%

Increase in donations over two years ago.



## more numbers:

91%

Kentucky bar passage rate for UK Law first time takers, July 2006.

82%

Overall Kentucky bar passage for first time takers, July 2006.

\$13,204

Resident tuition for 2007-2008.

\$2,279

Resident tuition for 1989-1990.

5

UK Faculty ranking in *The Princeton Review's* 2007 "Professors Rock (Legally Speaking)"

Sources: UK VITA program director Professor Doug Michael; UK Office of Development; UK College of Law Office of Admissions; UK College of Law 1989-90 Bulletin, p.27; *The Princeton Review*, 2007.

## Law Students Get Real-Life Experience Assisting Low-Income Taxpayers

Walk down to the basement of the law building during tax season, and you're likely to see a line of people stretching out of room 47. They're not law students, but Lexington area residents waiting to receive help with their taxes through the Volunteer Income Tax Assistance (VITA) program.

For over 15 years, Professor Doug Michael has led a group of UK College of Law students in assisting low-income taxpayers in preparing and filing their returns. He says that many in the community are either unable to prepare their own returns, or are unaware of the various credits, such as the Earned-Income Credit (EIC) which may be available to them. The IRS estimates that millions of dollars are left unclaimed each year by taxpayers who are unaware they are owed a refund. According to Michael, "People come to us thinking they owe taxes to the government, and . . . often walk away knowing they will instead be getting a refund."

Professor Michael began his involvement with volunteer tax assistance as a student, later training other

students and eventually organizing UK Law's program. He oversaw sites at the downtown public library as well as in the UK Student Center, before moving to the basement of the law building. The law school site is now one of nine in Lexington and handles the most returns. He says it is important to have a location that is convenient to those seeking assistance and that being on campus allows the VITA program to reach many of the foreign graduate students who may have trouble interpreting U.S. tax laws.

The student volunteers go through an intensive online training course, and are required to pass the IRS's certification exam. The students receive no credit for their work but, for many, this is a valuable first chance for them to experience working face-to-face with clients.

Student William Graff, who has participated in the program through all three years of law school, believes it is important for the school to do work like this and give students the opportunity to give back to the community. But, he emphasizes the work that Professor Michael does to keep the program running. "Professor Michael," he says, "is the one who makes this all possible."

For Michael, the admiration is mutual. "I can't say enough about the students who do this." §

## UK Trial Advocacy Team Qualifies for National Competition

Justin Peterson and Charnel Burton, members of the UK College of Law Trial Advocacy Board (TAB) won the Sixth Region Trial Advocacy tournament in February, defeating teams from 19 other schools, and qualifying for the National Trial Competition in Houston, Texas in late March, where they were one of the top 26 teams in the nation competing for the Kraft W. Weidman Award. Burton and Peterson made it through to the third preliminary round, where they were defeated by Notre Dame, who went on to finish in the top four. The competition is sponsored annually by the Texas Young Lawyers Association and the American College of Trial Lawyers.

This is the fifth team that their faculty adviser, Professor Allison Connelly has led to nationals in the 11 years she has coached the TAB. A decade ago, she developed the Intra-State Trial Competition at the College of Law to help improve UK's showing at national competitions. Her drive is contagious, Burton says. "It's her passion that pushes us to be prepared."

Burton and Peterson, both 2Ls, credit Connelly's intensive, five-day-a-week training, as well as the mentorship of their teammates Joseph Allison and Melissa Thompson, with their success. §

## Black Law Student Association Hosts Free Legal Fair

Accessibility is often an obstacle to people who desperately need legal assistance. The College of Law's Black Law Student Association (BLSA) worked to address that very issue on February 23, 2007 by sponsoring a free legal clinic in partnership with the Booker T. Washington Academy's Family Resource Center in Lexington, Ky. Local attorneys and other legal professionals were on hand to provide free legal advice to people who may not have otherwise had access to such information.

UK BLSA president Valorie Smith (UK Law '07) said there was a great response from Lexington community members requesting assistance and information on various legal topics. According to Smith, BLSA plans to repeat the clinic next year. "It is our hope to reach those who do not have this information readily available, so they can use the resources to make informed choices and improve their quality of life," said Smith.

UK BLSA is a chapter of the National Black Law Students Association and participates in many community-service oriented activities throughout the year. §



## Wyatt Tarrant & Combs Creates Diversity Scholarship

J. Rey Au

For one 2007 incoming UK Law student, paying for law school just got easier. This winter, Wyatt, Tarrant & Combs created a diversity scholarship aimed at increasing minority enrollment in the UK College of Law. The recipient will be funded throughout all three years of his or her law school career, and will be eligible for summer internships with one of the firm's offices.

Richard C. Ward (UK Law '64), vice-chair of the firm's executive committee,

and David Calhoun, co-chair of their diversity committee, along with UK Law Dean Allan Vestal and University President Lee T. Todd, Jr., participated in a signing ceremony marking the establishment of the scholarship on February 14.

"We appreciate the leadership of Wyatt, Tarrant & Combs in stepping forward in this important area," Vestal said. "The impact of this scholarship will go far beyond simply the law student who receives it." §

## Dean Vestal Integral in Passage of New Kentucky Business Law

UK College of Law Dean Allan Vestal wants to make state regulations less complicated for Kentucky business owners. Vestal, along with Tom Rutledge (UK Law '90) of Stoll Keenon Ogden, saw their efforts toward modernizing Kentucky Business Entity laws come to fruition in March when Kentucky Governor Ernie Fletcher signed House Bill 334 into law. The bill focuses on simplifying and eliminating inconsistencies in current business statutes, and represents the harmonization of many previous similar pieces of legislation, making it easier for businesses to interact with the Secretary of State's office.

Vestal and Rutledge both testified before a Kentucky House committee in support of HB 334. Their hope is that more uniform business laws will make Kentucky, in Vestal's words, "a friendly location in which

to organize a business." As part of this effort, Vestal and Rutledge have collaborated on a series of articles detailing the recent changes to the law. The most recent of these, "Modern Limited Partnership Law Comes to Kentucky," is divided between forthcoming issues of the *Kentucky Law Journal* and the *Northern Kentucky Law Review*.

The editors of the *Kentucky Law Journal* are pleased to be publishing Vestal and Rutledge's work because many of their readers are members of the state bar. According to *Kentucky Law Journal* Editor-in-Chief Carl Frazier (UK Law '07), "Dean Vestal and Tom Rutledge have taken it upon themselves to educate Kentucky practitioners. It is our hope that these articles will help businesses and lawyers interpret the new laws." Copies of Volume 95 of the *Kentucky Law Journal*, in which Vestal and Rutledge's article appears, can be ordered by going to [www.kentuckylawjournal.org](http://www.kentuckylawjournal.org). §

"A 57-year-old man said he was offering 'free rent for the right woman'... Those postings are part of a lawsuit by a fair housing group against Roommates.com... The Fair Housing Act of 1968 says... that discrimination is acceptable by the owner of a residence who lives there and rents to no more than three other people or families. To compound matters, Congress created a second kind of mischief in 1996 when it enacted the Communications Decency Act, [which] treats online classified advertisements differently from printed ones."

— From the New York Times article, "Fair Housing, Free Speech and Choosy Roommates" (January 22, 2007), which cites UK Law Professor Robert Schwemm, housing rights scholar and Fair Housing Act advocate.

"... citizens will not be wrongly deprived of qualified and talented candidates on the basis of residency."

— Law student Chad Meredith, in the Louisville Courier-Journal, on the need for the Kentucky General Assembly to amend the statute governing pre-election qualifications challenges.



Yahoo! Health


"They had one aggressive act and their life was going to be destroyed."

— Professor Roberta Harding in a Capessa spotlight titled "Saving Lives: The Story of a Death Row Angel" on Yahoo! Health, describing the similarities between working with death row inmates and animal rescue.

"What is wrong is for one side to pretend its judges are not activist, and turn judicial activism into a partisan talking point, when the numbers show a very different story."

— From the New York Times editorial "Activism is in the Eye of the Ideologist" (September 11, 2006) citing Professor Lori Ringhand's research into "judicial activism" and the voting records of Supreme Court justices.





# The Best Legal Representation Money Can't Buy

article by Laura E. Sutton  
photographs by Lee P. Thomas

Every Tuesday at 4 p.m., Law 959 students meet for class in a small house on Maxwellton Court across Limestone from the College of Law. Students sit in a small, book-lined conference room and on couches in an adjoining room, which doubles as the reception area. Phones ring. People come in and out of the front door. The students chat, check mail, pull notebooks from book bags. A clock on the mantle chimes.







Moments later, Associate Clinical Professor Allison Connelly pulls a chair into the center of the group and begins the class ritual of “status-ing” cases.

The class is comprised of a dozen 3Ls who are spending a semester practicing law at the UK Legal Clinic. The Tuesday afternoon meetings are relaxed, but have the creative energy of a small, start-up company. Students provide updates on cases and brainstorm legal solutions. Meetings are fast-paced and to-the-point, but never so serious that a joke or witty remark goes by unappreciated.

During Clinic class, “Professor C,” as students have nicknamed Connelly, assumes the demeanor of an intense but extremely supportive coach, as if at any moment she might gather students in a huddle and start drawing Xs and Os on a whiteboard. Instead, she offers suggestions to the students, or, more likely, praise for a job well done. “That’s brilliant” is a favorite phrase in these meetings. “Fantastic” is another.

The most exciting part of working at the Clinic is the feeling of accomplishment—a complaint filed, a positive outcome, a happy client. “It’s exciting to have a breakthrough moment, to suddenly realize you know what you are doing.”

The UK Legal Clinic opened its doors in 1997 to provide legal assistance to low-income individuals over the age of 55 and to give law students the opportunity to apply their textbook knowledge to the legal problems of real clients. Since then, 130 law students have gained hands-on training in the clinic. Perhaps more significantly, they have handled approximately 900 cases involving a wide range of legal issues, from uncontested divorces and wills to unscrupulous car dealers and bad warranties.

Clients aren’t charged for services rendered, and court fees are paid by a small litigation fund from money the students raise. Although the Clinic does not advertise, clients in need find it. To be eligible for services, clients must be considered indigent and their legal problem must be “educationally rewarding and somebody needs us,” Connelly says.

Then, as now, the Clinic operates on a modest budget provided by the College of Law. In January 1999, the Clinic expanded its services to that of a general civil practice

to provide a broader range of cases from which to learn. Students are able to practice under the auspices of the Supreme Court of Kentucky’s limited student practice rule. They may counsel clients, but Connelly must supervise or approve any legal advice offered. Similarly, students represent clients in court, but Connelly must accompany them.

To students like Tim Kline (UK Law ‘07) who will join a large New York firm this summer, his courtroom appearances on behalf of the Clinic were “the closest I’ll get to court for the next five years.”

### “We have nothing but time”

Legal Clinic students are selected by lottery, although Connelly gives special consideration to those who are fluent in Spanish to help serve the burgeoning Hispanic community in Central Kentucky. The lottery system assures diversity of individual experiences, styles and even class

standing. “It cuts across all lines and everybody has something of value to offer,” Connelly says.

Students say that the most exciting part of work at the Clinic is the feeling of accomplishment—a complaint filed, a will completed for a Hospice patient, a positive outcome, a happy client. “It’s exciting to have a breakthrough moment, to suddenly realize you know what you are doing,” says Brandi Stewart (UK Law ‘07).

In the late 1990s, a woman named Ozella Dyer was desperate to get her grandson out of jail. She had given \$3,000—the extent of her life savings—to an attorney who promised to help free her grandson. In return, Dyer received little more than a receipt scribbled on the inside of a matchbook. “I felt that for \$3,000, this man walking in to court and doing nothing was unfair,” she recalls. “I felt mistreated.”

Dyer took her complaint to William Wharton, executive director of the Lexington-Fayette County Human Rights Commission, who sent her to the Legal Clinic. There, she

**OPPOSITE PAGE:** Legal Clinic students prepare for the weekly Tuesday Clinic class. The photos of past classes of Legal Clinic students line the walls of the front office.





**ABOVE, LEFT TO RIGHT:** The Clinic truly is off the beaten path, “Professor C” works through the clinic’s weekly docket, the copier shares counter space with the kitchen sink, and students relax and share a laugh.

met with Connelly and several young lawyers-in-training. “I couldn’t have asked for more courtesy, for a more understanding group of people than they were,” Dyer says of her legal team.

Dyer credits one of the students with coming up with the idea of involving the Kentucky Bar Association. Although the Clinic had obtained two separate judgments in Dyer’s favor, the attorney claimed he couldn’t afford to repay the money until the Kentucky Supreme Court threatened to disbar him in a published opinion. “They got my money back plus the interest,” Dyer says. “Without [the student’s] suggestion, we would not have known what road to take to get any of my money back.”

A. J. Schaeffer (UK Law ‘99), who worked during one of the Clinic’s earliest years, says working with clients like Dyer gave him an excellent preview into what life as a lawyer would be like. “There’s no better training [for a future lawyer] than dealing person-to-person with folks whose lives, livelihood, food, clothing, shelter are on the line,” says Schaeffer, who is now with the Covington, Ky. office of Greenebaum, Doll & McDonald, PLLC.

Although there are occasional losses and attorneys sometimes settle cases for less than they had hoped, the students frequently win favorable judgments. Shannon Sexton (UK Law ‘01), a former Assistant Commonwealth Attorney now in private practice, can claim bragging rights for winning the largest cash settlement on behalf of a client. He was able to preserve \$69,000 for an elderly couple whose son had raided their retirement account in a power-of-attorney abuse case.

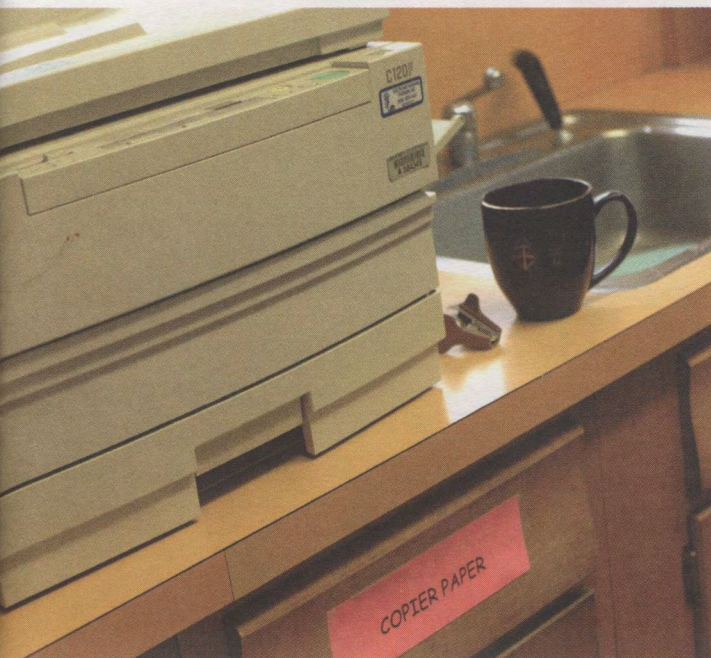
Some cases are memorable for reasons other than money. In 2003, Tyler Buckley (UK Law ‘03), a member of the Air Force, helped a client who was an Army veteran. After the work was completed, the veteran showed up for Clinic class and presented Buckley with the first medal she had received from the Army. Her words of gratitude moved Buckley and other students to tears. Buckley is now serving overseas, and he carries the medal wherever he goes.

Although most students who work in the clinic go on to traditional legal careers with a firm, corporation or in government service, nearly all take with them the belief that everyone deserves good legal representation, regardless of their ability to pay for it. After more than two years in the classroom, Chad Meredith (UK Law ‘07) says he learned that the law isn’t some “abstract, amorphous thing, but that it really can change lives.”

Because students are freed from the constraints of billable hours and client fees, they have the luxury of spending as much time on a problem as needed, which means they practice with not only competence, but with excellence on their very first case. “The great thing is,” says Kristen Orr (UK Law ‘07), “we have nothing but time; time to do things to the best of our ability; time to do the case the right way.”

For Adrienne Godfrey Thakur (UK Law ‘07) who grew up in Lexington’s African-American community, working at the Clinic has helped her to see herself as a role model. “It’s important for me to show that if you work hard, you can be somebody who can go back and help,” she says. Thakur returned to Kentucky for law school after college and a career





in Chicago and will begin practice in a small private litigation firm in Lexington this summer. "I've worked for money and I've worked for glory and now I work because I want to serve my community," she says.

### **"Find something you love and call it work"**

"Who's next?" Allison Connelly calls out of her office, signaling that she is ready for the next student consultation. Energetic and fast-talking, Connelly composes email messages in the moments between one meeting and the next. Simultaneously, she is able to keep an eye on the front door so that anyone who walks in gets a greeting. A bumper sticker in her office reads, "Behind every successful woman is herself." "Or Carolyn Bratt!" Connelly quips. A mantelpiece clock, one of her trademarks, chimes on the quarter-hour.

As the Clinic's first and only director, Connelly's achievements are reflected in the people she has helped, from hundreds of grateful clients to a decade's worth of College of Law alumni who count her as a mentor. Says Schaeffer: "The law clinic she directs is a reflection of her life."

Amy Anderson, (UK Law '00), a district judge representing Green, Marion, Taylor and Washington counties, says that the Clinic couldn't have a better leader. "She's a great person. She's almost like a surrogate mother to her students," Anderson says. "She's just tireless in her desire to have great representation for the Clinic's clients."

A native of Ashland, Ky., Connelly first came to UK as an undergraduate to study political science. Since receiv-



ing her law degree from UK in 1983, her entire career has been devoted to public service. As a child, Connelly was told by her grandmother to "find something you love and call it work." She has found that "something"—her life's work—at the Legal Clinic.

"I love the potential and passion that each student has," says Connelly. "It's my job as a teacher to get students to recognize their own potential and to achieve it and to make sure that they can apply the law in a real-world situation. If I have done that, then I'm successful."

The bookcases in Connelly's office and the mantle and walls of the reception area of the Clinic are filled with photographs of former students. "I don't think there's a student I've had that I haven't loved," she says. One of those students, Luke Woodward (UK Law '03) remains close to her heart. Woodward died after suffering a brain aneurysm during the semester he worked at the Clinic. "Luke is still an example to all our students. He spent the last day of his life helping a poor person get access to the justice system." In his honor and memory, the Clinic's interview room is called "Luke's Room."

Connelly has received numerous awards and honors for her work, but it is likely that none are more meaningful to her than one she recently received: the Class of 2007 chose her by popular vote as their commencement speaker. In addition to her work at the Clinic, Connelly directs the College's Legal Writing Program and is a popular teacher of courses including Litigation Skills, Criminal Procedure and Criminal Trial Process. She also coaches the College's mock trial team, which has been to seven national champion-





**On Your Mark! Get Set!** Go out this October and support the UK Law Legal Clinic at the annual **Ambulance Chase 5K** sponsored by the UK Student Bar Association! For more information, contact the College of Law Director of Communications at 859-257-7938.

ships since 1998.

Her dreams for the Clinic include the creation of a prestigious endowed fellowship which would enable a practicing attorney with an interest in legal education to work with her for two years, learning the clinic's practices and procedures and helping supervise student attorneys. Short of cloning herself, Connelly knows that adding another supervising attorney is the only way to increase the number of students at the Clinic and, ultimately, the number of clients served.

When Connelly reflects on her time at the Clinic, she says her greatest memory isn't just one event, but a whole series of moments when a student's hard work culminates in the realization that he or she has the power to improve someone else's life, to make the world a better place.

"It's when the light bulb goes on in a student's eyes; when they see that their legal knowledge has affected a person. You see this bond between student and client, where the client expresses not only gratitude, but a peace of mind, and the student is like, 'Ah, now I understand the importance of my knowledge.'" §

## Kaiser Relies on Clinic Lessons in Corporate Practice

Like many 3Ls, Kelly Kaiser (UK Law '99), pictured below center with her Legal Clinic class, was drawn to the Legal Clinic because of the opportunity to gain hands-on experience working with clients.

"For me it was quite an awakening to know that I was really [the client's] only lifeboat," she says. "To realize that you really are a steward of someone's legal case, something that impacts them financially or emotionally or both, it is an incredible experience."



Kaiser, a Louisville, Ky. native, has fond memories of the hours she spent in the "tiny little office" on Maxwellton. She remains in touch with Allison Connelly as well as several of the students she worked with there. "It was a very close knit group of students, almost like a family," she recalls.

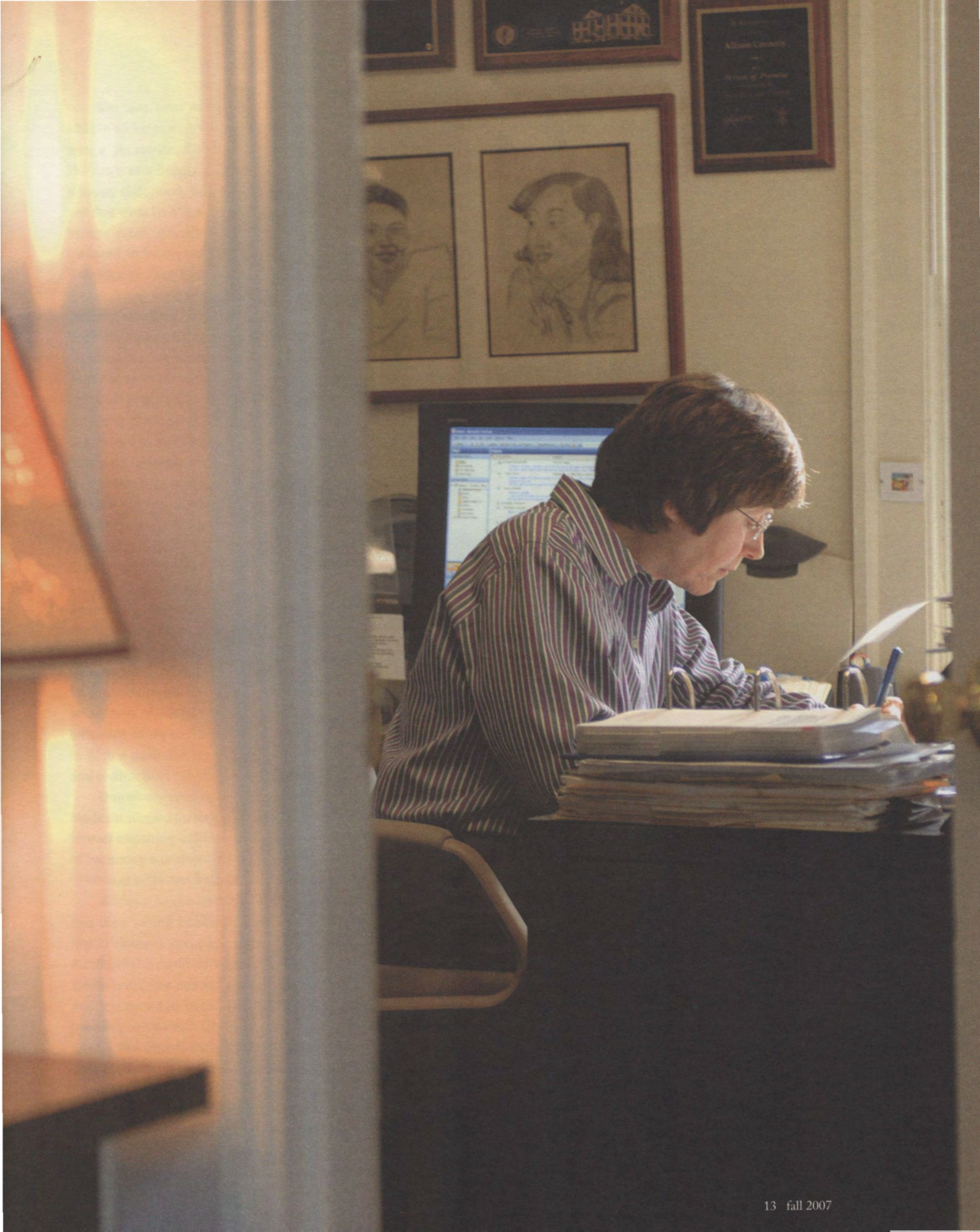
After completing her law degree, Kaiser was recruited in 2004 by Brunswick Corporation where she has served as legal counsel for Brunswick's Latin America Group and was recently promoted to Associate General Counsel, with responsibility for human resources matters and various international operations.

Kaiser says her early experiences at the Legal Clinic have shaped the way she practices, especially her belief in the value of managing client relationships. "If you can't manage the client and keep that relationship going and strong, if you can't inspire confidence, then you truly aren't doing your job as a counselor."

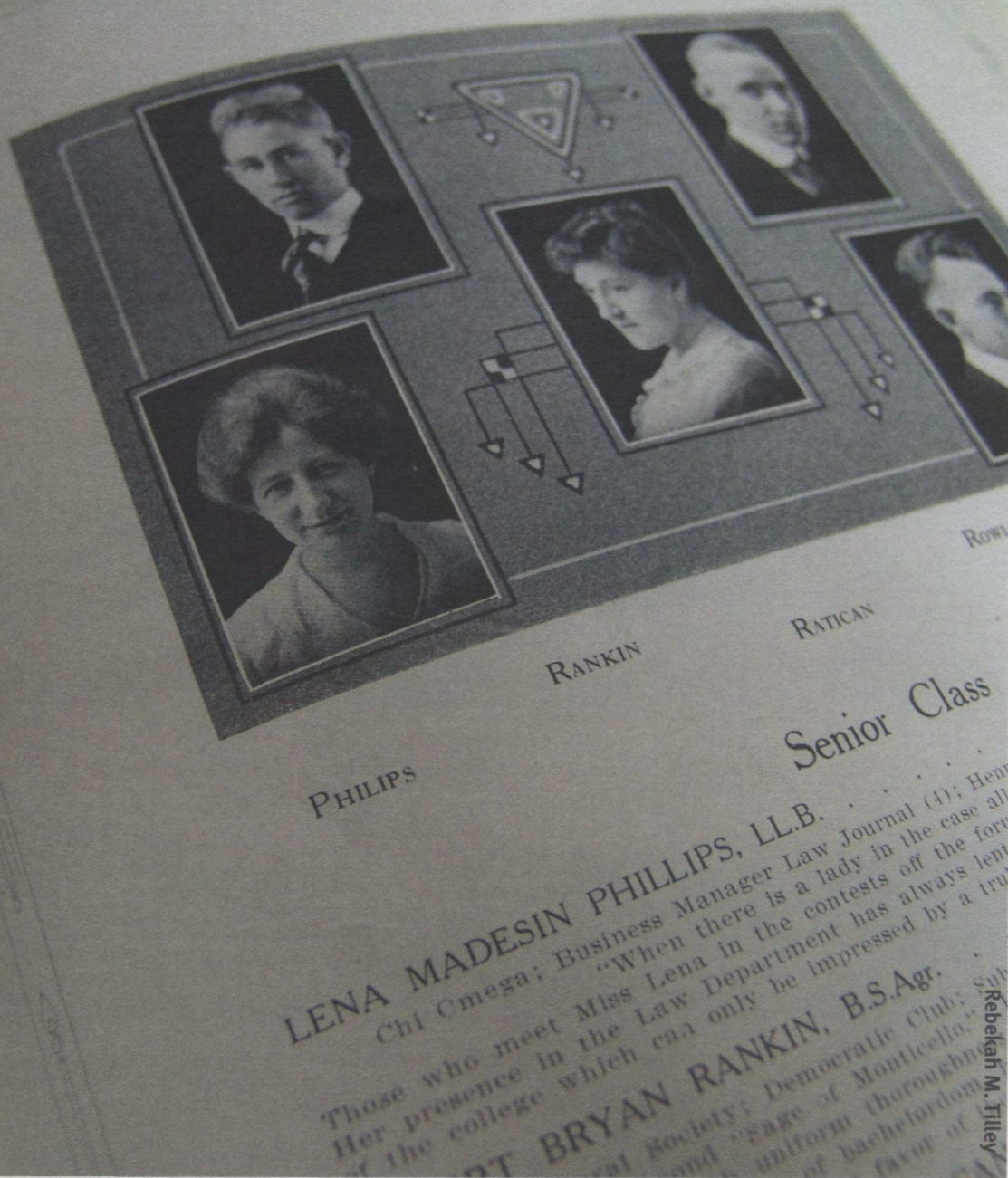
She also says she learned to expect the unexpected at the clinic. "You are generally only getting part of the story," she says, recalling a client she worked with who needed help with a will but was less than forthcoming about her circumstances. Kaiser ended up paying the woman's filing fees, only to discover the situation wasn't as dire as she had been led to believe. "I was trying to do my best for her," she says, laughing at her younger self. "Allison gave me a lot of grief about it." §

— Laura E. Sutton









Courtesy of the University Archives and Records Program, Special Collections and Digital Programs, University of Kentucky Libraries

Only ten years into its existence, in 1917, the University of Kentucky College of Law conferred a degree on its first female graduate. For **Madesin Phillips**, this was yet another achievement in a lifetime filled with them.

by Sarah Glassmeyer



She was born Anna Lena Phillips on September 15, 1881 in Nicholasville, Ky. Her father, William Henry Phillips, was a Jessamine County judge and her mother, Anna Phillips was a deeply religious and genteel woman. It was a happy childhood, but looking back upon it she wrote, "I see that what I really wanted was only that for which human beings have struggled through countless generations: I wanted to be myself. Yet, that was what I could not be. The price exacted by society was too great, the cost to my conventional mother too high." She was allowed the occasional rebellion, however. At the age of 11 she insisted upon changing her name to "Lena Madesin Phillips," the "Madesin" a corruption of the French word "medecin" in honor of an older half-brother that was studying medicine in France at the time.

After graduating from the Jessamine Female Institute, she moved to Baltimore to attend The Women's College of Baltimore. Madesin threw herself into her education, dividing her time between music studies, extra-curricular activities and the rigorous academic curriculum that the college was known for. After two and half years of this frenetic life, she transferred to Baltimore's Peabody Conservatory of Music so that she could concentrate solely on her piano studies.

In the early 1950s, Madesin wrote "No girl today can understand what piano playing meant in feminine life a half century ago... If she could play her piece through to the end, preferably from memory, nothing more was asked." She practiced hours daily. "That I was the best musician among all the girls in our circle may not say much, but the consciousness of this fact stimulated my ambitions and had its influence on my character. The others easily surpassed me in such a desirable things as personal appearance, beaux and charm. But I could play the piano."

One wintry evening in Baltimore, in a cruel twist of fate, Madesin slipped on an icy sidewalk, damaging her arm and forever impairing her ability to play piano. With her dreams of becoming a professional pianist shattered, she returned to Nicholasville and her family.

Madesin began working – first, as a grocery store clerk and then selling books door to door, both of which were highly unusual occupations for the daughter of a judge. Although she could no longer play the piano on the professional level, she opened a music academy in Nicholasville and attempted to become a professional composer, often traveling to New York City to meet with publishers. However, after a fire destroyed her school and all but eight of her compositions, Madesin suffered a "nervous collapse" and was placed in a sanatorium for six weeks to recover.

It was then that Madesin decided to radically change the direction of her life. At the age of 35 she enrolled at the University of Kentucky College of Law. Madesin made the daily 11 mile trolley ride from Nicholasville and completed

the three year course of study in two. As the *Lexington Herald* wrote, "Some conservative students disapproved of Miss Phillips' entrance in their classes, believing their work would be retarded, but when semester grades were posted... their attitude changed." She was not the first woman to enroll at the College, but she would become the first to graduate and the first to do so with honors in 1917.

Madesin practiced law in Nicholasville for almost a year when she was asked by the Young Women's Christian Association (YWCA) to become a fundraiser for its National War Work Council. She was so successful, the YWCA asked her to create an organization for business and professional women. With a modest budget and no staff, Madesin established the National Federation of Business and Professional Women (NFBPW) within two years. She traveled extensively across the country to organize and speak to state and local groups. During this period of time, Madesin also passed the New York Bar and set up a small law practice in New York.

In 1930 Madesin traveled to Geneva to create an International Federation of Business and Professional Women (IFBPW). As she had been with the American group, Madesin was elected president of the International Federation. However, instead of traveling around the United States, she began to travel around the world.

After the outbreak of World War II, the activities of the International Federation were interrupted, so Madesin organized aid drives for her colleagues in Europe, worked as an editor for *Pictorial Review*, ran for Congress in 1942 on the Progressive Party ticket and traveled to England and Sweden as a "special representative of the Office of War Information" in the fall of 1944.

Once the war was over, Madesin returned her attention to the IFBPW and dedicated herself to rebuilding the European and Asian federations. The International Federation was also granted consultative status to the newly formed United Nations and, although Madesin was not the organization's official representative, she spent many hours working to ensure women were granted equal rights in the new international law frame work.

By the 1950s, Madesin was semi-retired and held the title of "Founder-President" within the International Federation. She still worked tirelessly for the organization and while traveling to a conference in Beirut, Lebanon in 1955, she became ill while at sea. When her ship docked at Marseille, France, she was rushed to the hospital with a perforated ulcer and died on May 20, 1955. Her body was returned to the United States and she is buried next to her parents in Nicholasville, Ky.

Madesin often said that "Life is not a cup to be sipped but a measure to be filled." Through every step of her life she more than filled her cup. §

**SARAH GLASSMEYER**  
is a reference librarian with the University of Kentucky Alvin E. Evans Law Library.



## The Path to Partnership

by Bill Dorris, '79

This year, approximately 44,000 students will graduate from accredited American law schools. Many will pursue careers with private law firms, hoping to eventually become an equity partner. As the competition for equity partnership positions has intensified in the last decade, a good plan to stay on the partnership track is essential.

Associates at law firms need to understand from the outset their firm's written and unwritten criteria for becoming partner. To stay on track, plans for exceeding these written and unwritten criteria must be developed, regularly reviewed and modified appropriately.

Though firms may emphasize the importance of different aspects of performance, most firms consider the same factors. The five most common factors are:

**1. Dedication to Clients.** Though seldom listed as the first criteria for partnership, it is often the most important. From the first step on the partnership track until the last, associates must remember that law firms are in the business of providing legal services to clients. While you may be employed by a law firm, the clients are indirectly paying the salaries. Associates must become and remain dedicated to furthering the firm's clients' legitimate interests. To truly do so, you must learn the clients' businesses so that you can understand the problems they face and anticipate their legal issues.

**2. Legal Skills.** While law school prepares students to analyze problems as an attorney, it provides little meaningful instruction on how to actually perform the daily legal services required of a lawyer. Thus, to remain on the partnership track, associates must recognize that their educational process is continuing informally. Without the benefit of regular classes, textbooks or lectures, associates must actively seek to increase their understanding of how to practice law. Constantly refine your writing skills and improve your oral presentation skills. Do not be satisfied with simply doing a great job on your piece of a larger product – obtain a copy of the final product and study it to understand how the entire brief, contract or transaction was put together.

**3. Work Ethic.** Hard work and long hours are necessary. Understand what is expected in terms of billable hours and collections. Your plan should always be to ex-

ceed those expectations. Often, this objective data is given great weight by partners who do not know you well and are hearing equally positive subjective evaluations of the various associates' work.

**4. Business Development.** Law firms constantly need lawyers who can help attract and retain clients. While performing great work and being extremely dedicated to existing clients is a great source for developing business, it is usually not enough. Figure out who your firm's top business generators are and study what has helped make them successful. Also, learn about the practice areas of the various lawyers at your firm so that you can help direct clients to them. It is often easier to sell them than yourself. Most importantly get out from behind the desk – visit and meet with prospective clients. Though you may not meet the chief executive or operating officers, recognize that the client representatives at your level often have a significant influence on hiring firms. Additionally, they are often promoted or leave to join new companies at higher positions. Foster lasting relationships with them.

**5. Community and Professional Activities.** There is no substitute for involvement in community service and professional organizations. In addition to being the right thing to do and a great way to bring balance to your demanding work schedule, community service and professional activities help make others aware of your firm and you.

In closing, three bits of advice on how to stay on track on these five partnership criteria:

- **Seek regular evaluations**, both formal and informal, of how you are doing on the partnership track.
- **Maintain good working relationships** with your colleagues and staff. Do not let personality differences or your ambition to be a partner cause you to treat them differently than the way you want to be treated.
- **Develop balance in your life** by honoring your personal commitments. Recognize that while partnership may be your overriding professional goal for the early years of your career, there is more to life. Set other personal goals for yourself and stay committed to them. By having a life outside of work, you will achieve some balance which will, in turn, make you more effective in your work. §



**BILL DORRIS (UK LAW '79)** is Co-Managing Partner of Kilpatrick Stockton, one of the nation's largest law firms. He is responsible for the firm's client service programs and practice management, and formerly served as Department Chair of the firm's Litigation Department. At the University of Kentucky, he was a member of the *Kentucky Law Journal* and was elected to both Phi Beta Kappa and the Order of the Coif.





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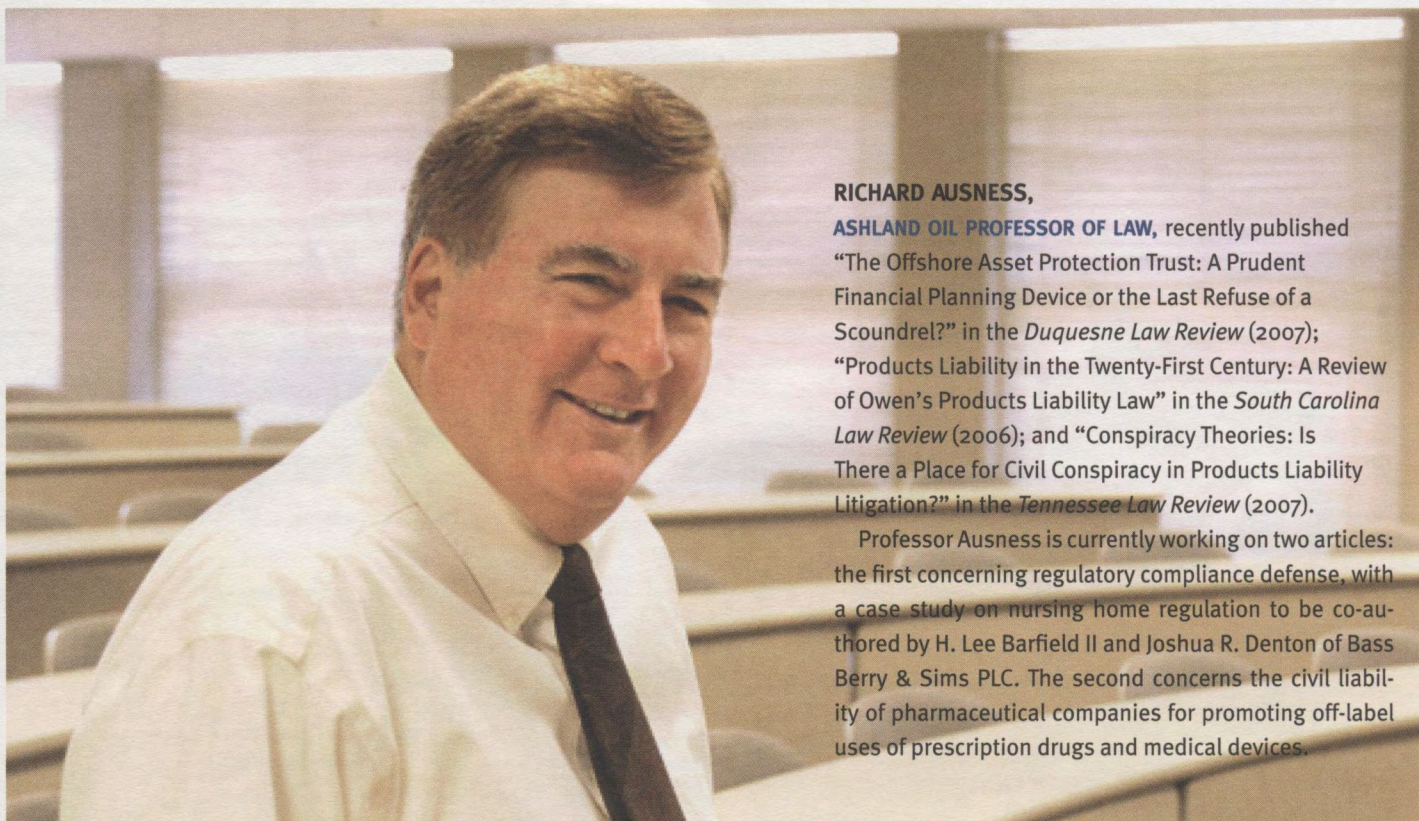
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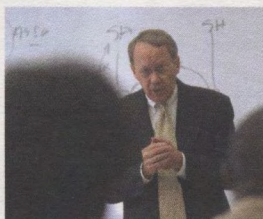




**RICHARD AUSNESS,**

**ASHLAND OIL PROFESSOR OF LAW**, recently published "The Offshore Asset Protection Trust: A Prudent Financial Planning Device or the Last Refuse of a Scoundrel?" in the *Duquesne Law Review* (2007); "Products Liability in the Twenty-First Century: A Review of Owen's Products Liability Law" in the *South Carolina Law Review* (2006); and "Conspiracy Theories: Is There a Place for Civil Conspiracy in Products Liability Litigation?" in the *Tennessee Law Review* (2007).

Professor Ausness is currently working on two articles: the first concerning regulatory compliance defense, with a case study on nursing home regulation to be co-authored by H. Lee Barfield II and Joshua R. Denton of Bass Berry & Sims PLC. The second concerns the civil liability of pharmaceutical companies for promoting off-label uses of prescription drugs and medical devices.

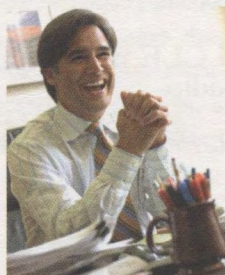


**RUTHERFORD B. CAMPBELL, JR., LAW ALUMNI PROFESSOR OF LAW**, recently published

"Managers' Fiduciary Duties in Financially Distressed Corporations: Chaos in Delaware (and Elsewhere)" with Professor Chris Frost in the *Journal of Corporation Law* (2007), which was just cited by the Delaware Supreme Court in *North American Catholic Educational Programming Foundation v. Gheewalla* (2007) dealing with rights of creditors when corporations are insolvent or in the "zone" on insolvency. He presented an early version of this paper at the Southeast Association of Law Schools in July 2006. He also recently published "Bumping Along the 'Bottom': Abandoned Principles and Failed Fiduciary Standards in Uniform Partnership and LLC Statutes," in the

*Kentucky Law Journal* (2007). He also gave two UK/CLE speeches on topics related to fiduciary duties.

Professor Campbell spent the summer as a visiting professor at the University of Maine School of Law. He is currently working on an upcoming article titled, "The 'New' Fiduciary Standards Under the Revised Uniform Limited Liability Company Act: We Just Can't Seem to Get It Right."



**JONATHAN CARDI, ASSOCIATE PROFESSOR OF LAW**, was invited to present a proposed amendment

to the Copyright Act at the Modest Proposals Conference held at Cardozo Law School this past spring. He was also invited to present a paper on tort damages at the May Remedies Roundtable at Emory University Law School in Atlanta,

Ga. The paper will be published as part of a symposium in a law review yet to be determined.

Professor Cardi is co-editing a book titled *Race, Psychology and the Law* that is being published by The New Press. He has written a chapter for the book entitled "The Search for Racial Justice in Tort Law." The book is due out in 2008.



**MARY DAVIS, STITES AND HARBISON PROFESSOR OF LAW**, has been invited to be a visiting professor at

the University of Texas-Austin in the spring of 2008. She will be teaching Products Liability and Torts.

Professor Davis' article "The Battle Over Implied Preemption: Products Liability and the FDA" was recently published in the *Boston College Law Review* (2007). She was interviewed by the *National Law Journal* about her research for an article in October 2006 about fed-





**CAROLYN S. BRATT,**

W. L. MATTHEWS, JR. PROFESSOR OF LAW,

is serving as Executive Associate Dean during the 2007-2008 academic year. Professor Bratt is handling the day-to-day duties of Dean Vestal while he focuses on the development of the new law school building.

Professor Bratt has taught at the College since 1975. A Fellow with the American College of Trust and Estate Counsel, she is also a recipient of the UK Great Teacher Award. She has served as a Trustee on the UK Board of Trustees, and as a Fellow with the American Council on Education. In 2003, Professor Bratt was inducted into the Kentucky Civil Rights Hall of Fame and in 2004 the Kentucky Commission on Women named her to the prestigious list of Kentucky Women Remembered.

eral preemption of pharmaceutical litigation. The article appeared in the Third Circuit News column about a case currently pending in that circuit on the issue. Professor Davis has also just finished work on the 5th edition of her casebook, *Products Liability and Safety* (with D. Owen and J. Montgomery), published in March 2007.

Professor Davis has been interviewed regularly in the last year by local media about the crash of Comair Flight 5191 in Lexington in August 2006. She was interviewed by Lexington's NewsChannel 36 on the findings of the NTSB investigation of the crash (January 17, 2007) as well as by the *Louisville Courier-Journal* on some of the procedures being used in the case (September 2006).

Professor Davis continues to be a member of the University of Kentucky President's Commission on Women where she chairs the Committee studying the hiring, retention and promotion of women faculty at UK.



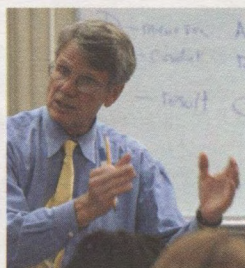
**ANDREA DENNIS,**

ASSISTANT PROFESSOR OF LAW,

is serving on the Executive Director Search Committee for the Appalachian Research and Defense Fund of Kentucky where she is a member of the Board of Directors. This spring, Professor Dennis gave a presen-

tation entitled "Public Schools and the Juvenile Justice System: [N]ever the Twain Shall Meet?" to students in the UK College of Education "School Law and Ethics" graduate-level course. In February 2007 Professor Dennis was interviewed by an Associated Press reporter concerning the federal and military prosecutions of five Fort Campbell-based U.S. soldiers for the rape and killing of an Iraqi girl and the killing of her family.

Professor Dennis is currently researching and writing an article concerning the admissibility of rap music lyrics and other forms of artistic expression as evidence against defendants in criminal prosecutions.



**WILLIAM H. FORTUNE,**

ROBERT G. LAWSON PROFESSOR

OF LAW, is co-author of 6th edition of *Psychology and the Legal System* (2007). He also recently authored an article with Al Cross, director of the UK Institute for Rural

Journalism and Community Issues, on the Kentucky 2006 judicial elections, to be published in the *Drake Law Review*.

Professor Fortune was very active in 2006 with the Kentucky Judicial Campaign Conduct Committee, co-authoring the committee brochure and speaking at

*continued next page*



events around the state on behalf of the committee. In addition, he made CLE presentations to the Fayette County Bar, the Kentucky Defense Counsel, and the Kentucky Bar Association. He serves on the Ashland Terrace Board, and served on several University committees.

Currently, Professor Fortune is working on a History of the Federal Court in the Eastern District of Kentucky and a report for the National Center of State Courts on the effect of campaign conduct committees on 2006 judicial races.



**CHRISTOPHER FROST,**  
FROST BROWN TODD  
PROFESSOR OF LAW,  
recently published  
"Managers'  
Fiduciary Duties in  
Financially Distressed  
Corporations: Chaos

in Delaware (and Elsewhere)" with Professor Biff Campbell in the *Journal of Corporation Law* (2007). He also continues to publish a bi-monthly article as contributing editor of the *Bankruptcy Law Letter*.

Professor Frost is a former treasurer and currently a board member of Office of Kentucky Legal Services Programs; on the board of the Fayette County Bar Association; a member of the American Bankruptcy Institute Law Review's Editorial Advisory Board; and a Board Member of the American Board of Certification, an organization that certifies bankruptcy attorneys.



**ROBERTA M. HARDING,**  
WILLBURT  
D. HAM  
PROFESSOR  
OF LAW, was  
honored  
this spring

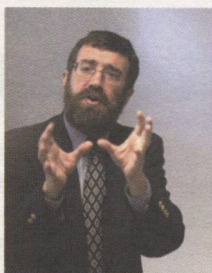
with the 2007 UK President's Award for Diversity for Faculty. This coveted award recognizes the significant contributions of faculty to the University's commitment to cultivate and promote diversity to foster

a more inclusive and equitable learning environment.

Professor Harding's article "Rubbing the Rabbit's Foot: The Death Penalty and Gallows Superstitions in England During the Eighteenth and Nineteenth Centuries" is forthcoming in the *London Law Review*. She was also invited to present "Empirical Studies: Race, Racism and the Criminal Adjudication Process" at the Fordham Law School in April.

Professor Harding's personal work in dog rescue was highlighted in a Capessa spotlight titled "Saving Lives: The Story of a Death Row Angel" on Yahoo! Health. Capessa is a webcast that reports stories about women who have had a meaningful and unique impact on the lives of others.

Currently, Professor Harding is working on an article titled "Has the Gregg 'Experiment' Failed?: Reevaluating the Per Se Constitutionality of Capital Punishment in the United States."



**MICHAEL P. HEALY,**  
ASSOCIATE DEAN  
FOR ACADEMIC  
AFFAIRS AND  
DOROTHY SALMON  
PROFESSOR OF  
LAW, recently published  
"Florida  
East Coast Railway

and the Structure of Administrative Law" in the *Administrative Law Review* (2006). He is also working with his co-authors, Judge and Professor Emeritus John Rogers and Professor Ron Krotoszynski of Washington and Lee Law School, on the second edition of their *Administrative Law* casebook to be published in 2008. In June, he presented a talk on the Rule of Law and Scopes of Review at the annual meeting of State Administrative Hearing Officers.

Professor Healy is working on the University's Internationalization Committee. He will also be continuing in his position as Associate Dean for Academic Affairs for the 2007-2008 academic year.



**NICOLE HUBERFELD,**  
ASSISTANT  
PROFESSOR  
OF LAW, has  
an article  
titled "Clear  
Notice for  
Conditions  
on Spending,

Unclear Implications for States in Federal Healthcare Programs" forthcoming in the *North Carolina Law Review* (2008). She also gave a talk in March entitled "Medicare and Medicaid: Access Issues Across the Vulnerable Populations of the Southeast" for the National Cancer Institute Community Information Service, and in February gave a similar talk as part of the Bioethics Lecture Series at the UK College of Medicine Department of Behavioral Health. Professor Huberfeld also participated in the development of an NIH grant with a wide range of other healthcare-oriented faculty at UK during the fall of 2006.

Currently, Professor Huberfeld is working on two research projects that are follow-ups to her article in the *North Carolina Law Review*. One will explore the impact a recent Supreme Court Spending Clause decision is likely to have on Medicaid enrollees. The other project will examine the poor, elderly population that is enrolled in both Medicare and Medicaid.



**DAVID H. MOORE,**  
ASSOCIATE  
PROFESSOR  
OF LAW,  
is currently on  
leave while  
clerking for  
U.S. Supreme  
Court Justice

Samuel A. Alito, Jr. during the Court's October 2007 term. His article "Sosa, Customary International Law, and the Continuing Relevance of *Erie*," which he co-authored with Duke Law Professor



**MARK F. KIGHTLINGER,**

**ASSISTANT PROFESSOR OF LAW,**

recently published "The Gathering Twilight? Information Privacy on the Internet in the Post-Enlightenment Era," in the *John Marshall Journal of Computer & Information Law* (2007) and "Twilight of the Idols? EU Internet Privacy and the Post-Enlightenment Paradigm," in the *Columbia Journal of European Law* (2007). He is currently working on an article that will use the conceptual framework developed in these articles - a framework based on the critical moral philosophy of Alasdair MacIntyre and the sociology of Max Weber - to examine early Supreme Court decisions concerning the purpose and authority of the U.S. Interstate Commerce Commission.

Professor Kightlinger is a member of the search committee appointed by the Provost to identify candidates for the new post of Vice President for Institutional Diversity. He is also the faculty advisor to the Journal of Natural Resources and Environmental Law and the Gay & Lesbian Law Caucus.



Curtis A. Bradley and Harvard Law Professor Jack L. Goldsmith, was published by the *Harvard Law Review* (2007). His article "An Emerging Uniformity for International Law," was published by the *George Washington Law Review* (2006).

Professor Moore was on a panel entitled "Customary International Law as Federal Law after *Sosa v. Alvarez-Machain*" at the American Society of International Law Annual Meeting on March 30, 2007 in Washington, DC. He also moderated a panel of Latin American scholars and officials at a symposium entitled, "The 1981 U.N. Declaration on Religious Tolerance and Non-Discrimination: Implementing its Principles After Twenty-five Years," held at Brigham Young University Law School in October 2006.

At UK, Professor Moore helped to arrange a moot of the arguments in *Meredith v. Jefferson County Board of Education* (see article on page 3). He was also the student selected keynote speaker at the Patterson School of Diplomacy and International Commerce

graduation ceremony in December 2006.

Currently, Professor Moore is drafting an article that explores political process protections accorded federalist values in foreign affairs law.



**KATHRYN MOORE,**  
**EVERETT H. METCALF, JR.**  
**PROFESSOR OF LAW,** made a presentation on "Teaching Employee

Benefits Today" at the Employee Benefits Section of the Association of American Law Schools Annual Meeting on January 5, 2007. She was also the moderator for the 5th Annual Employee Benefits Symposium at the John Marshall Law School in Chicago and is serving as rewrite editor for the ABA Section of Labor and Employment Law's Employee Benefits Law treatise in 2006 and 2007.

Professor Moore recently published

"Social Security Reform: Fundamental Restructuring or Incremental Change," in the *Lewis & Clark Law Review* (2007), which she also presented on September 29, 2006, at the Twelfth Lewis & Clark Business and Law Forum on The Aging of the Baby Boomers and America's Changing Retirement System; "Social Security Reform: An Analysis of the Ball/Altman Three-Point Plan," in the *NYU Review of Employee Benefits & Executive Compensation* (2007); and a book review "The Battle for Social Security: From FDR's Vision to Bush's Gamble," in the *John Marshall Law Review* (2007).

Additionally, Professor Moore served as a Social Security and Retirement Advisor at the UK Black Law Students Association Legal Fair on February 23, 2007. She is currently working on the 2007 supplement to her casebook, *The Law of Employee Pension and Welfare Benefits* and the volume's second edition.

*continued next page*



**MELYNDA PRICE,**  
**ASSISTANT PROFESSOR OF LAW,**

recently published "Litigating Salvation: Race, Religion and Innocence in the Cases of Karla Faye Tucker and Gary Graham" in the *Southern California Review of Law & Social Justice*; and her article "Balancing Lives: Individual Accountability and the Death Penalty as Punishment for Genocide (Lessons From Rwanda)" is forthcoming in the *Emory International Law Review*.

Professor Price was part of a panel that included Khalilah Brown-Dean from Yale University at the UK African American Studies and Research Program's 13th Annual Black Women's Conference this spring, and she presented her article from the *Southern California Review of Law & Social Justice* at the Carter G. Woodson Lecture for African American Studies and Research Program held at the UK Martin Luther King Cultural Center.

Professor Price continues to be an active faculty participant in the College's Kentucky Legal Education Opportunities (KLEO) Program, which seeks to recruit and retain law students who come from minority, low income or educationally disadvantaged backgrounds.



**LORI RINGHAND,**  
**ASSOCIATE PROFESSOR OF LAW,**

was recently awarded a \$20,000 faculty research grant by the University of Kentucky's

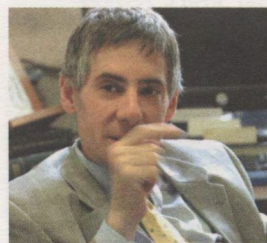
"Got Grants" program to develop a coded, searchable dataset capturing the information presented at the Supreme Court confirmation hearings of the nine justices who served on the Rehnquist Court from 1994-2005 (see article on page 2). She has also been invited to serve on the planning committee for the AALS 2008 Conference on Constitutional Law. This Committee is chaired by Harvard Law Professor Mark Tushnet. Additionally, she is guest editing a symposium volume of *Constitutional Commentary* focusing

on empirical scholarship examining the Rehnquist Court. In addition to guest editing the volume, Professor Ringhand will publish two articles in it.

Professor Ringhand presented her article "'I'm sorry, I can't answer that': Positive Scholarship and the Supreme Court Confirmation Process" at the "Positive Approaches to Constitutional Law and Theory Conference" held in February at the University of Pennsylvania Law School. The article was written by invitation and published in the *University of Pennsylvania Journal of Constitutional Law* (2007). Additionally, her article "The Rehnquist Court: A By-the-Numbers Retrospective" was selected for presentation at The First Annual Conference on Empirical Legal Studies from a competitive call for papers. That article is also forthcoming in the *University of Pennsylvania Journal of Constitutional Law*.

Professor Ringhand gave a talk this July at the Southeastern Association of

Law Schools Annual conference titled "Stuck in the Middle Again: Justice Kennedy and the Rehnquist Court." She will also present a paper about the Supreme Court confirmation process at the University of Kansas College of Law this fall.



**PAUL E. SALAMANCA,**  
**JAMES & MARY LASSITER PROFESSOR OF LAW,** recently published

with former Justice James E. Keller (UK Law '65) "The Legislative Privilege to Judge the Qualifications, Elections, and Returns of Members" in the *Kentucky Law Journal*. This past year, he served as coach for the National Moot Court Team and for the Vanderbilt First Amendment Moot Court Team. Currently, Professor Salamanca is working on another article on separation of powers.

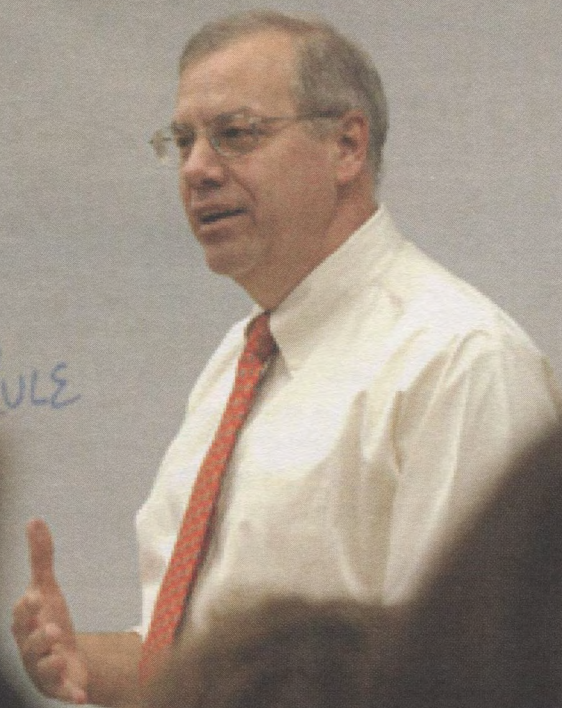


**ROBERT G. SCHWEMM,**

**ASHLAND PROFESSOR OF LAW**, was a visiting professor at John Marshall Law School in Chicago for the Spring 2007 semester. His research was cited in a *New York Times* article on "Fair Housing, Free Speech, and Choosy Roommates" on January 22, 2007, and his article on "Seniors and the Fair Housing Act" in the *Iowa Law Review* made the SSRN Top Ten downloads list for that review.

During 2007, Professor Schwemm has given presentations on housing discrimination law in Nashville, Tenn.; Chicago, Ill.; and New Orleans, La. He was also the featured speaker at the Chicago-area South Suburban Housing Center's annual dinner, where he was honored with an award for "his legal advocacy and scholarship accomplishments that have furthered the cause of fair housing enforcement."

Professor Schwemm's publications in 2007 include an article entitled "Why Do Landlords Still Discriminate (and What Can Be Done About It)?" in the *John Marshall Law Review* and the yearly update to his book on housing discrimination. He is currently working on an article about discrimination in municipal services against minority neighborhoods that will be published next year in the *Indiana Law Review's* special edition commemorating the 40th anniversary of the federal Fair Housing Act.



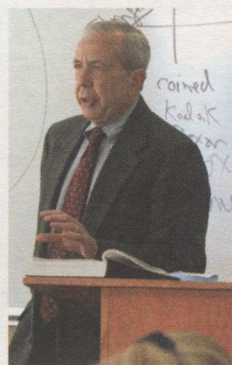
**ALLAN W. VESTAL,  
DEAN AND  
PROFESSOR OF LAW,**  
recently published  
"Disappointing  
Diogenes: The LLC  
Debate That Never

Was" in the *Saint Louis University Law Journal* (2006) with Thomas E. Rutledge and "Not 'Like Sailors or Idiots or Infants': Social Welfare Based Limits on Private Ordering in Business Association Law" in the *European Business Organizations Law Review*.

Dean Vestal was a panelist on two topics "The Changing Landscape of Development: Intermediate Programs," and "Boards and Volunteers: To Affinity and Beyond" at the 2007 Law School Development Conference of the American Bar Association Section on Legal Education and Admissions to the Bar, Committee on Law School Development. He gave a presentation on "The Kentucky Revised Uniform Partnership Act and the

Kentucky Uniform Limited Partnership Act" at the Biennial Business Law Institute in Louisville, Ky. this spring.

Dean Vestal also testified before the Judiciary Committees of both houses of the Kentucky General Assembly on legislation relating to business entities during the 2007 session.



**HAROLD R.  
WEINBERG,  
WYATT TARRANT  
& COMBS  
PROFESSOR OF  
LAW,** wrote an article titled "Is the Monopoly Theory of Trademarks Robust or a Bust?" that won

second place in the Ladas Memorial Award Competition sponsored by the International Trademark Association.

Professor Weinberg successfully prosecuted an application for a

\$1.5 million grant funding the College's Rural Drug Prosecution Assistance Project. In June 2007 he completed his service as the College's Associate Dean for Administration.

Professor Weinberg is currently working on projects relating to intellectual property protection for product designs.



**SARAH N. WELLING,  
WENDELL H. FORD  
PROFESSOR OF  
LAW,**

gave a two-day presentation on February 8-9, 2007 to the Sixth Circuit Criminal Pattern Jury Instruction Committee at the federal courthouse

in Cincinnati, Ohio. The conference was attended by federal district judges, federal prosecutors and federal defense attorneys from the Sixth Circuit states.



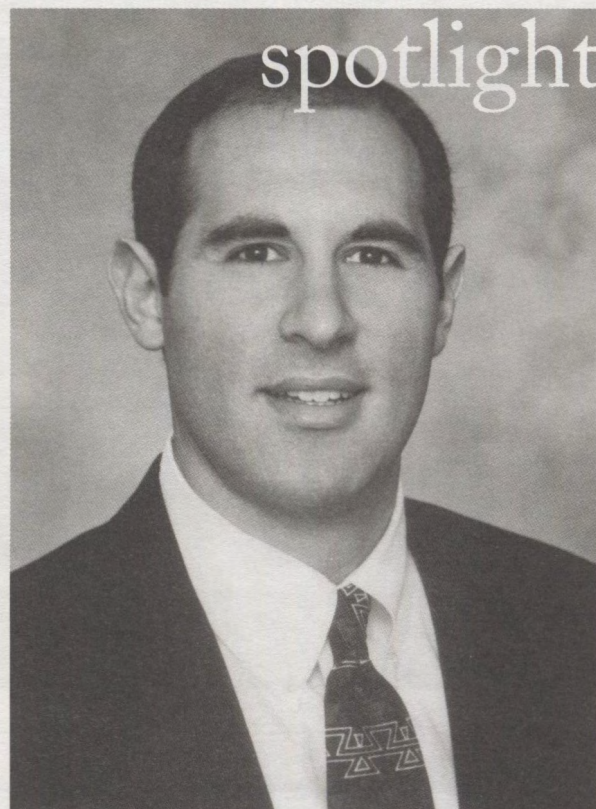
# alumni association

## Charles H. (Chuck) Cassis Class of 1990

Two once-in-a-lifetime opportunities are approaching the College of Law: our 2008 Centennial Celebration and the associated Centennial Campaign for our new building and increased endowments for scholarships, professorships and academic programs. At the request of Dean Allan Vestal, Chuck Cassis has become the new Law Alumni Association President after six years of dedicated service from former Law Alumni Association President John T. McGarvey. Chuck will be leading the Board in a number of changes that will give alumni a significant role in accomplishing the long-term goals of the College.

Chuck Cassis is a partner with Goldberg & Simpson, PSC. In addition to chairing the firm's litigation section, Chuck is the firm's ethics partner and he serves on the firm's management committee. His practice includes experience as a trial lawyer in both state and federal courts in all types of civil litigation, including the defense of premises, transportation, automobile, construction, product and various other general liability claims. He is also experienced in mediating and negotiating settlements of all types of claims in a variety of different industries. Finally, Chuck handles complex coverage and compliance matters for his various insurance clients. His past board experience includes service on the Boards of the YMCA of Greater Louisville, the Metro United Way, and Ronald McDonald Children's Charities, where he served as President.

Chuck graduated from Southern Methodist University in 1987 with a Bachelor of Arts degree in political science.



He earned his Juris Doctor from the University of Kentucky in 1990. He is admitted to practice in Kentucky, including the U.S. District Courts for the Eastern and Western Districts of Kentucky, the U.S. Court of Appeals for the Sixth Circuit, and the U.S. Court of Appeals for the Federal Circuit.

This is an exciting time to be a part of UK College of Law Alumni Association and we invite you to join or renew your membership by visiting: [uky.edu/law/alumni](http://uky.edu/law/alumni). §

## 2006 / 2007 board of directors

JOIN OR RENEW  
YOUR MEMBER-  
SHIP IN THE UK  
LAW ALUMNI  
ASSOCIATION  
BY VISITING:  
[UKY.EDU/LAW/  
ALUMNI](http://UKY.EDU/LAW/ALUMNI)

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BRAXTON CRENSHAW, '96

JOANNE K. DUNCAN, '74

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W. PATRICK HAUSER, '79

MARSHALL R. HIXSON, '97

ELIZABETH S. HUGHES, '91

LAWRENCE L. JONES, II, '00

W. DOUGLAS KEMPER, '93

THOMAS N. KERRICK, '80

EVA CHRISTINE LEWIS, '02

DANIEL P. MURPHY, JR., '98

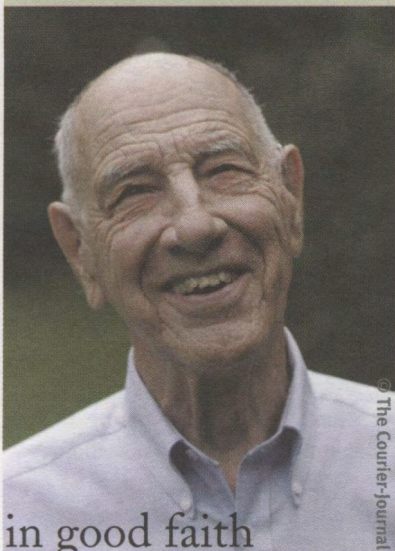
MARY C. NOBLE, '82

TANYA G. PULLIN, '86



## class notes

## alumni spotlight 1949



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in good faith

SENIOR JUDGE  
**ED JOHNSTONE**,  
U.S. DISTRICT  
COURT, WESTERN  
DISTRICT OF  
KENTUCKY

I spent three months as Acting Justice Cabinet Secretary during the summer of 1995. I'd been on the job 30 minutes when I got a call from a lawyer who was getting

ready to file a law suit over the termination of a warden. The very next day Ed Johnstone called me and said, "Bob, I just want you to know they have fired the best warden in the system." And that's basically all he said. I started looking into the issue and I discovered he was absolutely right. For many years after the 1980 consent decree that placed a cap on the number of inmates that could be put in the Kentucky prison system, Ed supervised the implementation of the order and took special interest in making sure the inmates were treated like human beings. This oversight extended for a period of years, and that is how he

got to know the warden that he called me about that day.

Ed Johnstone's part in Kentucky prison reform wasn't an easy thing to do. He was a Federal judge stepping in and saying to a state system, You are violating the Constitution and you can't do this anymore. It took courage and will power and good judicial temperament. And that is the kind of judge he was and is. He brings to bear a unique sort of common sense; it's not just pure law, it's the law that is moderated by plain good judgment.

My former student, now Franklin County Circuit Judge Phillip Shepherd (UK Law '80), was his clerk from 1980-1982 and was there when Ed was in the thick of the prison overcrowding issue. He told me, "I think one of the keys to the success of the prison reform litigation in Kentucky was the fact that all parties involved had tremendous respect and confidence in Judge Johnstone's fairness and integrity. Implementing a consent decree was an enormous task. There was no question that it was Judge Johnstone's willingness and ability to delve into the nuts and bolts of how the prison system worked that made the reform successful."

Ed is 85 now and last summer stopped trying all but Social Security disability appeals after 30 years on the bench. He is a great judge, a great man and a great friend. §

— Professor Robert Lawson  
as reported to Rebekah M. Tilley

## 1947

**STANLEY M. SAUNIER, JR.** has joined Woodward, Hobson & Fulton in the firm's Lexington, Ky. office Of Counsel. Saunier was a Lexington City Commissioner and co-founded the Lexington law firm of Gess, Mattingly, Saunier & Atchison which he departed in 1989. He is a retired Lt. Colonel of the United States Army Reserve.

## 1951

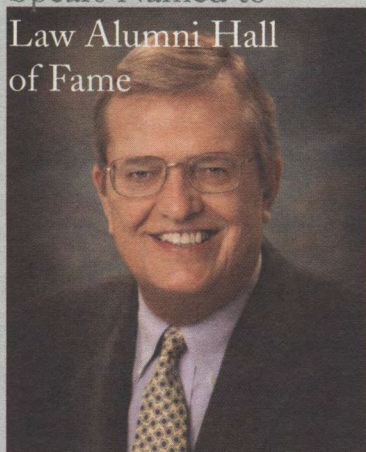
**MELVIN K. DUKE** is enjoying retirement from his tenure as district judge of the 46th Judicial District (Meade, Breckinridge and Grayson counties) after serving 3 four-year terms (1978-1990).

**ROBERT E. RUBERG** was awarded the Donated Legal Services Award at the 2006 Kentucky Bar Association Convention. The

*continued next page*



## Spears Named to Law Alumni Hall of Fame



alumni spotlight 1961

A civic and corporate leader, Richard W. Spears' commitment to improving education in the Commonwealth has impacted generations of Kentucky students, and he was recently named to the UK Law Alumni Association Hall of Fame. A native of Ashland, Ky., Spears joined Ashland Oil, Inc. as a staff attorney in 1964. He rose through the ranks from deputy counsel in 1975 to vice president in 1976; then administrative vice president in 1979 and senior vice president, law and human resources in 1980 until his retirement in 1992. Spears is a past president of the Boyd County Bar Association and a past member of The Conference Board's Chief Administrative Officers' Council.

During his tenure with Ashland Inc., Spears spent a considerable amount of time promoting education in Kentucky as president of the board of the Ashland Oil Foundation, Inc., which raised significant moneys to enhance education at all levels in Kentucky. He served on the boards of Northern Kentucky University and Georgetown College, and is a University of Kentucky fellow. Through Spears' leadership, Ashland Inc. established the Ashland Inc. Legal Scholars Program that provides two needs-based full scholarships to students at the College of Law each year. The Foundation also established two Ashland Inc. Professorships at the College of Law during Spears' tenure. §

— Rebekah M. Tilley

award is given to an individual whose time and nature of services rendered is an impressive example for others to follow.

### 1954

**GARDNER L. TURNER** was awarded the Kentucky Bar Service Award at the 2006 Kentucky Bar Association Convention. Turner is a senior partner with Sturgill, Turner, Barker and Moloney in Lexington, Ky. The award is given to an individual for distinguished service to the bench and bar, and to the public.

### 1955

**JUDGE JOE LEE** was selected as the first recipient of the William L. Norton Jr. Judicial Excellence Award in February 2007. He has served as a U.S. Bankruptcy Court Judge for the Eastern District of Kentucky for more than 40 years.

### 1960



**JUDE P. ZWICK** (left) has been elected chairman of Catholic Charities Board of Advisors

in Chicago, Ill. Previously the Board's Vice President, Zwick became the 28th President in a long line of civic leaders committed to helping the poor through Catholic Charities. A Certified Public Accountant, Zwick has held senior positions at Arthur Andersen; Checkers, Simon and Rosner; and Stern Walters Partners. He currently works as a consultant.

### 1962

**LLOYD CRESS**, former commissioner of the Kentucky Department for Environmental Protection, has been appointed deputy secretary of the Environmental and Public Protection Cabinet by Governor Ernie Fletcher. Before joining the Fletcher Administration, Cress was director of

environmental affairs for the Kentucky Chamber of Commerce and environmental counsel for Ashland Inc. Cress is married to U.S. District Judge Karen Caldwell (UK Law '80). His son Lloyd Cress, Jr. (UK Law '91) is an attorney with Greenebaum Doll & McDonald in Frankfort, Ky.

### 1965

**WILLIAM G. KOHLHEPP**, a partner with Cors & Bassett, received the Financier Award in the 2006 Association for Corporate Growth (ACG) Deal Maker Awards. The ACG Deal Maker Awards recognize Cincinnati's corporate and individual deal makers who have been "inspirational, visionary, creative, tenacious, and persistent" in their efforts to complete acquisition, joint venture, financing, and strategic alliance transactions.

### 1970

**KENTUCKY SUPREME COURT JUSTICE WILLIAM S. COOPER** retired on June 30, 2006. He continues to reside in Elizabethtown, Ky. Justice Cooper's seat was filled by now – Justice John D. Minton, Jr. (UK Law '77).

**E. ROBERT GOEBEL** has served as the United States Magistrate Judge for the Western District of Kentucky since 1998. His article "A Professional at Risk: The Disease of Addiction," recently appeared in the Kentucky Bar Association magazine *Bench & Bar*.

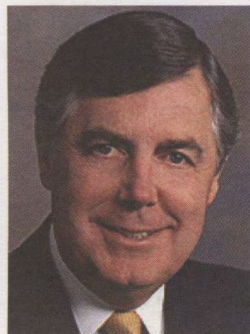
**GREGORY K. HAYNES** was recently elected to the International Society of Barristers (ISB). ISB seeks to preserve trial by jury, the adversary system and independence of the judiciary. Haynes is with the firm Wyatt, Tarrant & Combs as a member of the firm's executive committee and co-chair of the litigation department. He concentrates his practice in the area of commercial litigation.

### 1971

**ASA "PETE" GULLETT**, Chief Operating Officer for Lawyers Mutual Insurance Company of Kentucky, recently co-authored an article in the Kentucky Bar Association magazine *Bench & Bar* titled, "The Ethical and Malpractice Risks of



Impaired Lawyers and their Unimpaired Associates.”



**WILLIAM T. ROBINSON III** (left) recently received the Outstanding Alumnus of Kentucky Award from the Kentucky Advocates for

Higher Education. Robinson also recently joined Frost Brown Todd as partner. He previously practiced with Greenebaum Doll & McDonald in Covington, Ky. and is treasurer of the American Bar Association.

## 1972

**RICHARD D. POMPELIO** is the founder of the New Jersey Crime Victims' Law Center (VLC), a non-profit organization devoted to the pro bono representation of victims in the criminal justice system and the litigation of victims' rights issues in the courts. Pompelio founded the organization in 1992 following the murder of his 17-year-old son Tony. VLC recently published its first magazine: *Victim Voice*.

## 1974

The civil rights work of long-time Southern Center for Human Rights Director **STEPHEN B. BRIGHT** was highlighted in the documentary movie *Fighting for Life in the Death Belt*, that depicts the Center's efforts to save the lives of two men on death row. Now the Center's president and senior counsel, Bright devotes his time to full-time defense work and teaching a course on capital punishment at Yale Law School.

**ROBERT L. ELLIOTT** was awarded the Justice Thomas B. Spain Award at the 2006 Kentucky Bar Association Convention. The award is presented annually by the Kentucky Bar Association CLE Commission for outstanding voluntary contributions of time and talent to the planning, organization and

implementation of its programs. Elliott is a partner at Savage, Elliott, Houlihan, Moore, Mullins and Erdmann.

In February, **JAMES E. ROGERS**, chairman and CEO of Duke Energy Corporation of Charlotte, N.C., joined CIGNA Corporation's Board of Directors.

**ROBERT A. WOHN JR.** was appointed to the Eighteenth Judicial Circuit Court in March 2007. He will fill the vacancy created by the death of Judge Mitchell T. Barlow Jr. Wohn was a partner with Wohn & McKinley P.A.



**C.A. "WOODY" WOODALL III** (left) was elected Circuit Judge for the 56th Judicial District. He took office on January 1, 2007.

## 1975

**R.W. DYCHE III** was recently appointed to the Kentucky Worker's Compensation Board by Kentucky Governor Ernie Fletcher. Previously, Dyche served as a judge on the Kentucky Court of Appeals from 1986-2006.

**THOMAS L. SELF** was recently promoted to Executive Director, Office of Legal Services in the Kentucky Justice & Public Safety Cabinet. He lives in Lexington, Ky.

## 1976

U.S. District Judge **JOHN G. HEYBURN II** article "In Praise of Theodore H. White" recently appeared in the *Louisville Courier-Journal*. Judge Heyburn has served as U.S. District Judge for the Western District of Kentucky since 1992.



**HERBERT A. MILLER, JR.** (left) was recently named President of Columbia Gas of Kentucky, Inc. Miller was formerly the Associate Regional Counsel for American Water Works

**HERBERT A. MILLER, JR.** (left) was recently named President of Columbia Gas of Kentucky, Inc. Miller was formerly the Associate Regional

## Duncan Named Chairman of the Republican National Committee

What do Allan Vestal, the current President Bush and his father have in common? They have all received the valued counsel of Robert M. (Mike) Duncan.

Mike and his wife Joanne are both members of the class of 1974. Inducted into the College of Law Hall of Fame in 2002, Mike exemplifies the dual roles of his alma mater as a professional school and his Commonwealth's graduate school of leadership. His leadership and stewardship have benefited his College, his home region along the Big Sandy, his state and his nation.

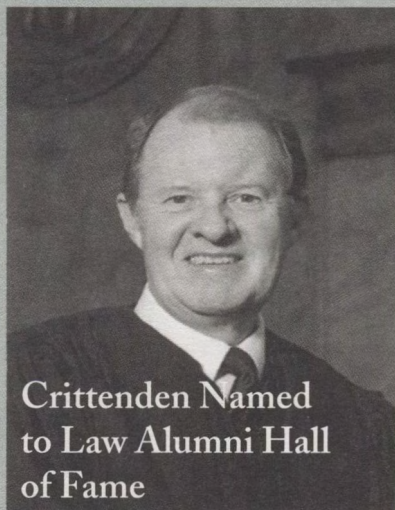
Currently serving as Chairman of the Republican National Committee, and formerly its General Counsel, he was assistant Director of Public Liaison during the administration of George H. W. Bush, and a regional chair of the presidential campaigns of George W. Bush. He served on the President's Commission on White House Fellows and is a board member of the Tennessee Valley Authority. To the President, who bestows monikers on close friends, he is known as "Dunc."

National fame has not distracted Mike's attention from his beloved Martin County where he is CEO and Chairman of Inez Deposit Bank. A former president of the Kentucky Bankers Association, he is a self-described civic capitalist. Education is a passion for him and his program to provide jobs and mentoring for high school students in Martin and Lawrence counties has been profiled by CBS News and the *Los Angeles Times*.

The College of Law receives his constant attention through his membership on the Visiting Committee, his work on the Centennial Campaign Committee, and his wife Joanne's membership on the Alumni Association Board. His son Rob continues the family tradition as a 2003 graduate of the College of Law and an Assistant U. S. Attorney for the Eastern District of Kentucky. §

— John T. McGarvey  
Class of 1973





**Crittenden Named to Law Alumni Hall of Fame**

A highly respected judge of integrity, Roger L. Crittenden has given a lifetime of service to the Commonwealth and to the UK College of Law, and he was recently named to the UK Law Alumni Association Hall of Fame. After three years of service in the U.S. Army including a tour in Vietnam, Judge Crittenden graduated with the Class of 1975 and launched his career in public service at the Kentucky Cabinet for Human Resources and the Kentucky Council on Higher Education. In 1980, he was elected as Franklin County District Court Judge where he served for 12 years before being elected as Franklin County Circuit Court Judge in 1992. He retired in 2006 and is now Senior Judge of the Franklin Circuit Court.

Committed to education, Judge Crittenden has served as chair of the Circuit Judges Association Education Committee and is a former board chair of PUSH Infant Pre-School. Judge Crittenden also served the UK College of Law as an adjunct writing instructor for 26 years. He completed his final semester of teaching this spring and was honored by having one of the legal writing groups – three of which are titled after figures such as Clay, Cardozo and Marshall – named after him. §

– Rebekah M. Tilley

Company for the states of Kentucky, Tennessee and Georgia, and Vice-President of Kentucky-American Water Company. He is also a former partner of the law firm Stoll Keenon Ogden.

**MARCIA MILBY RIDINGS** was awarded the 2006 Outstanding Lawyer Award at the Kentucky Bar Association Convention for her service to the legal profession and charitable work in the community. Ridings is a partner at Hamm, Milby & Ridings in London, Ky.

**M. GAIL WILSON** is a partner at the firm Bertram & Wilson in Jamestown, Ky.

## 1977



**RICHARD H.C. CLAY**, (left) a partner with Woodward, Hobson & Fulton, has been named a fellow in the International Society of

Barristers. The International Society of Barristers is an honor society of outstanding trial lawyers chosen by their peers on the basis of excellence and integrity in advocacy. He was also recently elected chair of the Board of Governors of the J. B. Speed Art Museum in Louisville, Ky.

**BRAD COWGILL**, Budget Director of the Commonwealth of Kentucky, was recently profiled in an issue of *The Lane Report*. Prior to his state appointment, Cowgill practiced law with Stites & Harbison.

**JOHN D. MINTON, JR.** (below) was recently sworn in as a Justice of the Supreme Court of Kentucky replacing former-Justice William S. Cooper (UK Law '70). Justice Minton previously served as a Judge on the Kentucky Court of Appeals.



He and his wife Susan live in Bowling Green, Ky.

## 1978

**WILLIAM P. EMRICK** was recently elected vice president of the Southern Association of Workers' Compensation Administrators. Emrick has served as executive director of the Kentucky Office of Workers' Claims since 2004.

**KEVIN HENRY**, an attorney with Sturgill, Turner, Barker & Moloney, recently joined the YMCA of Central Kentucky Board of Directors.

**PATRICIA E. LOWRY**, a litigation partner with global law firm Squire, Sanders & Dempsey's West Palm Beach office, has been inducted as a fellow in the American College of Trial Lawyers. The invitation-only fellowship honors lawyers who have mastered the art of advocacy and have demonstrated high standards of ethical conduct, professionalism, civility and collegiality.

**THOMAS L. ROUSE** was recently elected mayor of Erlanger, Ky., a northern Kentucky city of about 17,000. He was also elected to a second term on the Kentucky Bar Association Board of Governors.

## 1979



**BILL DORRIS** (left) was recently named managing partner of Kilpatrick Stockton. Dorris will work with the firm's department chairs and team leaders to continue

the growth of the firm's national and international practice areas and their success at attracting clients as diverse as Google, Fidelity, DaimlerChrysler, and the Big Dig – the nation's largest public infrastructure project. See his article on The Path to Partnership on page 16.



## 1980

**TIM LANGFORD** was appointed circuit judge for Ballard, Carlisle, Fullerton and Hickman, Ky. counties. He fills the seat left empty by Judge Will Shadoan's retirement. Langford previously served as a Kentucky Commonwealth's Attorney.

## 1982

**R. EBERLEY DAVIS** was named senior vice president, General Counsel and Secretary of Alliance of Resource Partners, L.P. and Alliance Holding GP, L.P.

## 1983

**JAMES LITSEY** and his family recently relocated to Charlotte, N.C. where Litsey is a member with the firm Helms Mulliss Wicker.

## 1985

**MARK H. METCALF** was recently appointed as an immigration judge in Miami, Fla. Previously, Judge Metcalf served as senior counsel to the Assistant Attorney General, Civil Rights Division, at the Department of Justice in Washington, D.C.

**BOB NEACE** was sworn in as county attorney for Boone County, Ky. in March 2007.

## 1986



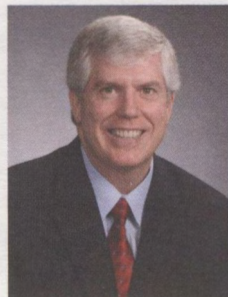
**J. MICHAEL PEPPER** (left) recently joined Frost Brown Todd as a member of its business/corporate department and antitrust practice groups. He formerly served as general

counsel of The Valvoline Company, a division of Ashland Inc., and as senior group counsel and assistant secretary of Ashland Inc.

## 1987

**MONROE JAMISON, JR.** recently joined the newly founded Federal Public Defender's Office in the Western District of Virginia. The district is one of the last

federal districts in the country to get a federal public defender. Jamison comes to the office from private practice.



**MATHEW D. STAVEN** (left) recently became Dean of the Liberty University School of Law where he also serves as director of the Center for

Constitutional Litigation and Policy; a partnership between the Liberty Counsel, a litigation, education and policy organization founded by Staver in 1989, and the Liberty University School of Law. He was also involved in the founding and development of Liberty University School of Law long before its physical inception in 2004.

## 1988

**RAYMOND W. HINES** was recently named vice president and associate general counsel of Inspire Pharmaceuticals, Inc. Prior to joining Inspire, Hines spent five years as vice president and legal counsel of business development at King Pharmaceuticals, Inc.

## 1989

**STEVE FELDMANN** was profiled in a December 23, 2006 article in the *Cincinnati Enquirer* on St. Joseph Orphanage in Montfort Heights, Ohio, where he spent his early childhood. Feldmann is now a member of the executive committee of the orphanage's board of advisors.

**JOHN ROGERS**, a Glasgow attorney, was unanimously re-elected by the Kentucky Registry of Election Finance to serve a fifth consecutive term as chair in September 2006. Under Rogers's chairmanship, the Registry has been selected by the Federal Election Commission (FEC) to be the first state campaign finance agency in the country to partner with the FEC to make regulatory cases available online in a searchable format.

*continued next page*

## alumni spotlight 1980



**Caldwell Named to Law Alumni Hall of Fame**

A jurist of distinction, Karen K. Caldwell is United States District Judge for the Eastern District of Kentucky, and she was recently named to the UK Law Alumni Association Hall of Fame. Judge Caldwell graduated with the Class of 1980, which included one of the largest percentages of female graduates at that point in the law school's history. After seven years with State Farm Insurance, she became an Assistant United States Attorney in the Eastern District of Kentucky and within five years was appointed United States Attorney for the Eastern District of Kentucky where she was widely recognized for her role in combating public corruption. Prior to her appointment to the bench in 2001, she was a partner in the law firm of Dinsmore & Shohl, LLP.

Before taking the bench, Judge Caldwell served as Chair of the Kentucky Bar Association's Publication Committee; the editor of *Bench & Bar* magazine; and a member of the Character and Fitness Committee of the Kentucky Board of Bar Examiners. Judge Caldwell serves on the Board of Directors of Leadership Kentucky and Transylvania University's Board of Trustees.

In 1995, Judge Caldwell received Kentucky's Outstanding Lawyer Award from the Kentucky Bar Association. In 2005, she was awarded an honorary degree from Transylvania University and in 2007, she received the Outstanding Alumnus of Kentucky Award from the Kentucky Counsel on Post Secondary Education and the Kentucky Advocates for Higher Education. §

—Rebekah M. Tilley



## 1990



**THOMAS E. RUTLEDGE**, (left) partner with Stoll Keenon Ogden in Louisville, Ky., recently published "To Boldly Go Where You Have Not Been Told You May Go: LLCs, LLPs

and LLPs in Interstate Transactions," in the *Baylor Law Review*; also "Who's Selling the Next Round: Wines, State Lines, the Twenty-First Amendment and the Commerce Clause," in the *Northern Kentucky Law Review*. Rutledge recently took part in two presentations at the American Bar Association Section of Business Law.



**CATHERINE M. STEVENS** (left) recently joined the Lexington, Ky. office of Frost Brown Todd. Prior to joining Frost Brown Todd, Stevens practiced at Golden & Walters.

## 1991

**HANS HERKLOTZ** was recently appointed general counsel for the Kentucky Cabinet for Health and Family Services. He will be responsible for the staff that provides legal advice and representation for the Cabinet.

**JUDGE THOMAS WINGATE** was recently appointed by Governor Ernie Fletcher to succeed Franklin Circuit Judge William Graham (UK Law '71). He was unopposed in the November election for a full term as circuit judge. Prior to his appointment, Wingate served as Franklin County (Ky.) district judge since 1999.

## 1992

**MARY M. BOAZ** is currently serving as assistant general counsel at the Life Extension Foundation Buyers Club, Inc. of Fort Lauderdale, Fla.

## 1994



**PAUL ALLEY** (left) was recently made a partner with Graydon Head & Richey. He works in their northern Kentucky office and focuses his practice on

alternative dispute resolution and construction and insurance disputes.



**ANGELA LOGAN EDWARDS**, (left) a partner in the Louisville, Ky. office of Woodward, Hobson & Fulton, has been named to Who's Who in Black Louisville.

This is the inaugural event for Louisville. The goal of Who's Who Publishing is to recognize people who have carved out new roads and found ways to bring equity to the local black community. Edwards is a member of the Louisville Black Lawyers Association and serves on the diversity and public service committees of the Louisville Bar Association.

**ROBB FARMER** is now employed at Faulkner University's Thomas Goode Jones School of Law in Montgomery, Ala. after working as a Reference Librarian at the Arizona State University College of Law. He is managing both the Reference and Circulation Departments of the Law Library, and teaching the law school's Advanced Legal Research class. Farmer married wife Kathy in 2002, and received a Masters of Library & Information Science from University of Kentucky in 2003.

**MARGARET JOHNSON** was recently named senior trust advisor by PNC Wealth Management in Cincinnati, Ohio. Previously, she practiced with the law firm of Vorys, Sater, Seymour and Pease.

**KEVIN W. WEAVER** received the Kentucky Bar Association 2006 Outstanding Young Lawyer of the Year Award. Weaver is a partner at Sturgill, Turner, Barker & Moloney in Lexington,

Ky. He is the founder and president of the Toyota Bluegrass Miracle League, a baseball league with a field and facilities tailored to meet the needs of children with mental and physical disabilities.

## 1995

**PETER J. STAVROS** recently joined the Louisville, Ky. firm Seiller Waterman. Stavros focuses his practice in the areas of intellectual property and commercial litigation.

## 1996

In March, **RENO DEATON** began his duties as executive director of Greer Development Corporation, a non-profit organization developed to promote economic growth and development in the community of Greer, S.C.

**JOHN DOUGLAS HUBBARD**, an attorney with the Bardstown, Ky. firm Fulton, Hubbard & Hubbard, was recently appointed by Kentucky Governor Fletcher to a four-year term on the eleven-member Kentucky Board of Education.

**KERRY B. MCTIGUE**, a partner with Nelson Mullins Riley & Scarborough in Columbia, S.C., recently joined the Office of Personnel Management as the agency's general counsel. Previously, McTigue served in the U.S. Army Judge Advocate General's Corps as a trial counsel and Special Assistant U.S. Attorney and Chief of the Civil Law and Litigation Division.

## 1997

**WESLEY R. BUTLER** was appointed last summer as general counsel for the Kentucky Cabinet for Health and Family Services. Butler was in private practice with Fowler, Measle & Bell before joining the Cabinet in 2004 as deputy general counsel.

**JASON FLEMING** was elected as Circuit Judge for the Christian County Family Court (3rd Judicial Circuit, 3rd Division) effective January 1, 2007. In 2006, Fleming became the first prosecutor to receive a Public Advocates Award from the Department of Public Advocacy. Fleming is married to his high school sweetheart who is a Public Defender in



the 56th Judicial Circuit, Tonya Hightower Fleming. The couple has a one-year-old son: Owen Brady.

**BRIAN M. JOHNSON** recently joined Greenebaum Doll & McDonald in the firm's Lexington, Ky. office. His practice includes product liability as well as transportation and construction law.



**JAMES T. BLAINE LEWIS** (left) was recently named a partner with Woodward, Hobson & Fulton. Lewis joined the firm's Louisville, Ky. office in 1998 and concen-

trates his practice in the areas of product liability, FELA and railroad defense, trucking, professional liability and general tort litigation.



Governor Ernie Fletcher appointed Frost Brown Todd attorney **ERWIN ROBERTS** (left) to the University of Kentucky Board of Trustees.

Roberts practices in the firm's litigation department, with an emphasis on government relations and white collar crime. He is a member of the United States Army Reserve Judge Advocate General's Corps (JAG) 139th Legal Support Organization and previously served as Personnel Cabinet secretary and director of the Office of Homeland Security for the Commonwealth of Kentucky. Roberts is a former Assistant United States Attorney for the Western District of Kentucky and a former Assistant Commonwealth Attorney in Fayette County. He previously served as a member of the FBI Joint Terrorism Task Force and coordinator of the Anti-Terrorism Advisory Council.

## 1998

**SIMON BERRY** recently joined the Louisville, Ky. law firm Ackerson & Yann. Berry holds an LL.M with a concentration

in corporate and securities law from the Cardozo School of Law.

**BRENN O. COMBS**, staff attorney at the Kentucky Justice & Public Safety Cabinet, Office of Legal Service, recently authored an article titled "The Calculation and Application of Prison Sentences," in the Kentucky Bar Association magazine *Bench & Bar*.

**SHEA W. CONLEY** recently joined the firm Reminger & Reminger in both the firm's Lexington, Ky. and Florence, Ky. offices. His practice focuses on commercial litigation, general casualty, products liability, construction law and employment litigation.

**DAVID T. ROYSE**, an attorney with Stoll Keenon Ogden in Lexington, Ky., was recently appointed to serve as a Special Justice on the Kentucky Supreme Court in two civil actions.



**MICHAEL C. SURREY** (left) was named partner with Graydon Head & Ritchey. His focus includes construction law, arbitration and mediation, and insurance disputes and contract negotiation.

## 1999



**ANDREW D. STOSBERG** (left) is a member of the Tax and Finance Practice Group at Greenebaum Doll & McDonald. With experience as a bankruptcy court staff attorney,

Andrew concentrates his practice on debtors' rights, creditors' rights and bankruptcy litigation. He is based in the firm's Louisville, Ky. office.

**JAMES VAUGHT** recently joined the Frank Jenkins Law Office. Vaught is a certified public accountant and focuses his practice on complex civil litigation, including personal injury and wrongful death.

## Schaeffer Receives 2006 ABA Young Lawyers Star of the Year Award

alumni spotlight 1998



My fondest memory of A.J. is one afternoon when he called me at the Clinic. "Are you watching television?" he excitedly asked.

"No, A.J., I'm at the office."

"Well, we've got to represent this woman. She's on television right now and she needs our help."

He explained that he was watching a news program about a local woman named Paige White who had hired a home improvement contractor. She had paid the contractor a lot of money, but he had never finished the job. I told him, "A.J. we've never done this kind of representation before and I'm not sure we should take the case."

"But she needs our help."

"Fine," I said, "but if the Clinic is going to take this case, you're going to handle it." He and his Legal Clinic partner – Sharron Gronotte – undertook Ms. White's representation. The case was resolved and shortly before Ms. White died, and she was able to enjoy the well-constructed home she had paid for. The memory of A.J.'s call that afternoon has always stayed with me. A.J.'s not afraid of a challenge. He saw someone who was poor and needed help and he made sure they got it.

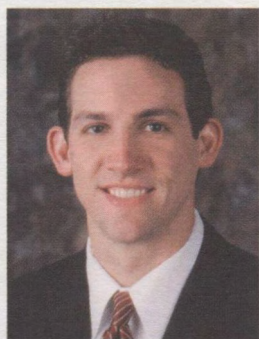
Last year A.J. received the highly competitive American Bar Association Young Lawyers Star of the Year Award. This past year he served as chair of the Kentucky Bar Association Young Lawyers Section where his entire focus has been on promoting pro bono service. A rising star at Greenebaum Doll & McDonald, A.J. has never forgotten that there are needy people who have been wronged and can't afford a lawyer. Back in the day, A.J. was a volunteer firefighter in his Northern Kentucky hometown. To this day when he sees a fire – whether it's a person in need or a burning house – he feels it's his obligation to put that fire out and make things right. **S**

– Professor Allison Connelly  
as reported to Rebekah M. Tilley



## 2000

**CHRIS DAVIS** was recently appointed as an administrative law judge in the Kentucky Department of Labor's Office of Workers' Claims by Governor Ernie Fletcher. Prior to his appointment, Davis practiced law with Fulton & Devlin in Louisville, Ky.



**JEFFREY L. GEHRING** (left) is a member of the Estate Planning, Health and Insurance Practice Group at Greenebaum Doll &

McDonald. He is based in the firm's Lexington, Ky. office.

**MARK E. HAMMOND** recently became a partner in the Louisville, Ky. firm Brown & Toner. Hammond concentrates his practice in the areas of insurance defense litigation involving matters of negligence and tort claims, workers' compensation, product liability, general personal injury, medical malpractice and insurance coverage.



Bahe Cook Cantley & Jones is pleased to announce that **LAWRENCE L. JONES II** (left) has joined as a partner. Jones currently serves

on the Louisville Bar Association Board of Directors and the Kentucky Academy of Trial Attorneys Board of Governors. Before joining the firm, he spent his career practicing at Tachau Maddox Hovious & Dickens. Jones will focus his practice on personal injury, employment law and business litigation cases.

**MIKE SHULL** joined the law firm of Holland & Hart in Denver, Colo., becoming a member of their Construction and Real Estate Section. Prior to relocating to Denver, Mike practiced construction

law for six years with Smith, Currie & Hancock in Atlanta, Ga. Before starting with Holland & Hart, Shull took time off to summit Mt. Kilimanjaro in Africa.



**JENNIFER BRYANT WILCOX** and husband Brad welcomed their first child, Caroline

McCall Wilcox (above), November 11, 2006. Little Caroline was a healthy 7 pounds, 3 ounces and 19 1/4 inches long. Congratulations to Jennifer, Brad, Grandfather Mark Bryant (UK Law '73), and Uncle David Bryant (UK Law '06)!

## 2001



**JOHN ALAN DONOHUE** (left) has opened a law office in the historic Paxton House in Bowling Green, Ky. His practice focuses on civil litigation, commercial contracts and domestic relations.

**ERIC GRIMES** recently joined the firm Greene & Cooper in Louisville, Ky. as an associate. He is focusing his practice in the areas of bankruptcy law, creditors' rights, and commercial law.

## 2002



**LEANDERS "LEE" JONES** (left) recently joined Frost Brown Todd as an associate of its Litigation Department and Alternative Dispute

Resolution practice groups. Formerly she served as a staff attorney for Clark County Legal Services in Las Vegas, Nev.

## 2003

**JENNIFER L. HOWARD** recently joined Wyatt, Tarrant & Combs. She is a member of the firm's Equine, Gaming & Entertainment Practice Group.



**LEE C. WEATHERLY** (left) recently joined the Charleston, S.C. office of Carlock, Copeland, Semler and Stair. His practice focuses on medical

malpractice, construction, commercial and personal injury defense litigation.

## 2004

**TONY BONNER** just began his third year as an associate with the firm of Thomas Kayden, in Atlanta, Ga. His primary focus is patent, trademark, and copyright in both prosecution and litigation.

**WHITNEY MERIWETHER HARMON** recently moved to Memphis, Tenn. to join Glankler Brown as an associate.

## 2005

**ADAM BACK** has joined Stoll Keenon Ogden at the firm's Lexington, Ky. office. His practice focuses on bankruptcy law and commercial litigation.



**KENT H. BARNETT** (left) recently joined Weil, Gotshal & Manges as an associate in the firm's Dallas, Texas

office. Prior to joining Weil Gotshal, he served as a judicial clerk for Judge John M. Rogers of the U.S. Court of Appeals for the Sixth Circuit in Lexington, Ky.

**LINDSAY H. HINTON** recently joined Reynolds, Johnston, Hinton & Pepper in Bowling Green, Ky. She focuses her practice in the areas of residential and commercial real estate, estate planning and probate.

**STEPHEN MILNER JR.** joined Stoll Keenon Ogden. He will practice in the firm's Lexington, Ky. office, in the areas of labor, employment and employee benefits.

**ERIN MCKENZIE** recently accepted a position as Court Counsel with the Supreme Court of Palau. A Court Counsel is equivalent to an appellate clerkship. McKenzie was a Bert Combs scholar and since



graduation she has clerked for Senior U.S. District Judge Henry R. Wilhoit, Jr. for the Eastern District of Kentucky. McKenzie recently married fellow Combs Scholar Ben Carter (UK Law '06).

**ALEXANDER "ALEC" J.**

**MOESER** recently joined Dinsmore & Shohl as an associate. He practices in the litigation department.

**JEFFREY C. RAGER** has joined the Lexington, Ky. office of Bowles Rice McDavid Graff & Love. He concentrates his practice in the areas of litigation, malpractice and criminal defense.

## 2006

**ALEXIS ELSWICK** has joined Huddleston Bowen, to work in the firm's Huntington, W.Va. office. She practices in the areas of litigation, transportation class action and mass torts.

After finishing a clerkship in August 2007 with the Honorable Charles R. Simpson III, Judge for the U.S. District Court, Western District of Kentucky, **MARIA GALL** will be joining Cadwalader, Wickersham & Taft in New York, N.Y. as an associate in its litigation practice group.

**CURTIS McCUBBIN** is a Senior Compliance Analyst with J.J.B. Hilliard, W.L. Lyons, Inc.

**JUSTIN M. SCHAEFER** recently joined Sturgill, Turner, Barker & Moloney as an associate. He focuses his practice on business and corporate law, insurance defense, and civil litigation.

## future alum 2008

### JACQUELINE (JACKIE) ALEXANDER

Jackie Alexander likes new experiences, new challenges, a fresh approach. As a ninth grader at a Louisville, Ky. magnet high school, Jackie found what she was looking for in the law. "We went through each professional magnet and every three weeks I changed my major until I got to the law magnet," Alexander recalled. "That's the one that stuck!"

After earning a degree in Criminal Justice at Northern Kentucky University, Jackie completed her tour of Kentucky's Golden Triangle with a planned three year stint in Lexington at the UK College of Law. "UK Law gave me everything I was looking for – a small, close knit student body – and that was what I was used to at Northern. The camaraderie between students and faculty – it was just a good fit."

Mentored as an entering 1L student in the Kentucky Legal Education Opportunity (KLEO) program "took the sting out of the first couple of weeks" of law school and gave Jackie some valuable professional contacts. Her KLEO mentor? Now-Kentucky Supreme Court Justice Mary Noble (UK Law '81). At the College, Jackie found professors

like Roberta Harding and Biff Campbell whose unique approach to the material activated Jackie's imagination.

An outstanding advocate on the Trial Advocacy Board, Jackie had the opportunity to work as a prosecutor on a grant from the Rural Drug Assistance Project both summers while in law school where Alexander discovered her passion: prosecution.

"I always wanted to be a defense attorney because it was all I knew and then I got to the prosecution side and it clear there was no way I could do anything else," Alexander said. "With this opportunity working with the Rural Drug program, I got to see the criminal justice system from a completely different perspective, and it has really influenced the direction I would like to go with my legal career."

Jackie is working with the law school's admissions office to recruit other diverse students to the College – describing it as "another form of advocacy" – a record number of which are among the 2007 entering class. §

– Rebekah M. Tilley





Why we give to the College of Law:

To honor Robert Harding for his perseverance in achieving his goal of being a lawyer despite societal opposition, and to honor the professors and students who gave him their support without patronizing his ability and integrity.





### Dr. Iola Harding

My childhood ambition: to be a pilot  
 My first job: nursing assistant  
 My retreat: bird watching  
 My passion: all types of exploration and discovery  
 balanced with long periods of quiet reflection  
 My inspiration: Aviators Amelia Earhart and  
 Bessie Coleman, an African-American who had to  
 attend flight school in France  
 My proudest moment: passing my flight exams  
 My favorite song: "Don't You (Forget About Me)"  
 My favorite saying: "Enjoy the good times for as  
 long as they last; endure the rough ones for they,  
 too, shall pass."

### Professor Roberta Harding

My childhood ambition: to be an actress  
 My first job: working at a grill at a bowling alley  
 My retreat: scuba diving  
 My passion: working to abolish the death penalty  
 My inspiration: art  
 My proudest moment: quitting my job to move to Italy  
 My favorite song: "White Room" by Cream  
 My favorite saying: "The greatness of a nation and  
 its moral progress can be judged by the way its  
 animals are treated." - Gandhi





## Public Health in the Balance with FDA Extension of Implied Preemption

By Mary J. Davis, Stites & Harbison Professor of Law

For the first time in its 100 year history, the Food and Drug Administration (FDA) has taken the position that its prescription drug labeling regulations destroy the operation of state tort laws based on the inadequacy of the labeling. This position is based on doctrines of implied preemption and places prescription drug labeling liability actions at the center of the debate over the roles of federal and state regulation in promoting product safety. However, the FDA's position is a significant extension of implied preemption principles, and should be rejected by courts faced with this argument.

Federal preemption of state laws stems from the Supremacy Clause of the U.S. Constitution. The intent of Congress is "the ultimate touchstone" of preemption analysis. When Congress has not expressed its intent, as with the Food, Drug, and Cosmetic Act (FDCA) governing prescription drugs, the Supreme Court presumes preemption does not occur, particularly in areas such as public health and safety where the States have historically governed. State tort litigation has long played an important regulatory role, motivating product manufacturers to increase the safety of their products to avoid excessive damage awards resulting



from liability. The Supreme Court, therefore, limits implied preemption doctrine by restrictively defining the types of conflicts that will support it. Only actual, direct conflicts between state tort actions and well-defined federal regulatory objectives will suffice.

The FDA's recent position favoring implied preemption tries to displace the longstanding regulatory role of tort litigation by the stroke of an administrator's pen. The FDA's argument is twofold. First, it argues that its new position against preemption, articulated in the preamble to the 2006 amendments to the drug labeling regulations, substitutes for the lack of express congressional intent to preempt. Second, the FDA asserts broad federal objectives by defining its product-specific labeling decisions as optimal, not minimum, standards of care which, therefore, do not permit tort claims.

The first argument for preemption is contrary to the Supreme Court's treatment of agency position on preemption in defining actual conflict. The Court has rejected reliance on an agency's position on preemption when that position contradicts long-standing agency practice and is not an interpretation of a promulgated agency regulation, both of

by manufacturers; it does not investigate a drug's risks on its own. The FDA does not have authority to require studies after a drug is marketed. Indeed, the FDA's own regulations require manufacturers unilaterally to alter prescription drug warning language "as soon as there is reasonable evidence of an association of a serious hazard" with a drug, 21 C.F.R. § 314.70(c)(6), before the FDA has an opportunity to study it. The tort litigation system acts as an additional incentive for manufacturers to continually assess their products' risks and provides an additional source of risk information that would otherwise be unavailable if preemption occurred.

Second, the FDA's argument that its labeling decisions set optimal, not minimum, standards is clearly inconsistent with the regulatory scheme it administers. Governmental regulations of conduct are treated as minimum standards of care under tort doctrine for a good reason. They tend to be based on narrowly defined regulatory goals, supported by limited information provided substantially by the regulated entity, and not intended to address the level of care required for all circumstances. Such standards have long anticipated the concurrent operation of other remedial mechanisms such as tort litigation. The unilateral obligation of manufac-

## The FDA's recent position favoring implied preemption tries to displace the longstanding regulatory role of tort litigation by the stroke of an administrator's pen.

which are true in this instance. The Court's approach makes sense. Implied conflict preemption is a poor substitute for congressional intent and thus must be narrowly defined to respect longstanding state authority over public health and safety. The Court consistently has paid scant attention to shifting agency position on preemption when assessing actual conflict preemption. The presumption against preemption maintains that delicate balance between traditional state authority and federal agency authority.

Further, recognizing conflict preemption based on an FDA approved prescription drug label will create a disincentive to manufacturers to act promptly to alter a label based on post-marketing acquisition of risk information. Knowledge of adverse side effects and unknown risks comes to drug manufacturers in a wide variety of ways. The FDA approves labeling based on information submitted to it

turers to alter warnings regarding serious hazards and the FDA's inability to require post-marketing efforts to obtain risk information substantially undercut any argument that the labeling regulation provides an optimal standard of care even in those situations that may have involved substantial FDA study of a particular drug's risks. The FDA is unlikely ever to have the kind of full, undiluted information of risk which supports the conclusion that its labeling decisions are optimal standards for all circumstances, with only the regulated industry with an incentive to alter them.

The tort litigation system is a critical component to create incentives for greater access to risk information to insure the public's health. The Supreme Court's implied conflict preemption doctrine as applied to the FDA's prescription drug labeling regulations supports this conclusion. §



looking back



class of 1977

Courtesy of the UK College of Law Alumni Association photo archives



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